

Also, petition of 155 citizens of Minoa, N. Y., and sundry citizens of Preble, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of the Loyal Workers of the Wesley Adult Bible Class of the Methodist Church of Ocala, Fla., and George Riggin and many other citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petition of the Beloit (Wis.) Business Men's Association, favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 24 citizens of the sixth district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. DIFENDERFER: Petitions of 400 and more citizens of Lansdale, 40 citizens of Rosemont, 210 citizens of Hatboro, sundry voters of Abington Township and Pottstown, 40 citizens of Pleasant Valley, 750 citizens of Newton, 20 citizens of Yardly, 18 citizens of Dolington, 350 citizens of New Hope, 120 citizens of Richboro, 100 citizens of New Britain, sundry citizens of Bucks County, various Baptist, Methodist, and Presbyterian churches of Bristol, 400 citizens of Edgewood Park, and 52 citizens of Fallsington, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Bucks County, Pa., citizens, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also petition of sundry citizens of Montgomery County, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Minnesota district of the German Evangelical Synod of North America against national prohibition; to the Committee on Rules.

By Mr. FALCONER: Memorial of 7,000 clubwomen of the State of Virginia relative to indorsement of President Wilson's Mobile speech relating to acquisition of land by conquest; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of 34 voters of the State of New York protesting against national prohibition; to the Committee on Rules.

By Mr. FOSTER: Petition of sundry citizens of Mount Carmel, Wabash County, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Coeur d'Alene and Wallace, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of the secretary-treasurer of the building trades department, American Federation of Labor, favoring House bill 8593, for protection of workmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GERRY: Petitions of Sam. L. Irwin, principal East Greenwich Academy, of East Greenwich; the Roger Williams Association and 29 residents of Rockville; 22 residents of Providence; and Arthur L. Reed, of Oak Lawn, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Providence (R. I.) Christian Endeavor Union, urging the passage of a bill prohibiting the sale of intoxicating liquors to minors and Indians; to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Henry J. Eltz, Conrad Oinsel, Richard Wischnowsky, Hermann Eckert, and Joseph Fojth all of Cranston, R. I., and Michael Lukowski, Jacob Wartjes, John Grosslin, and Michael J. Kelly, all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Rhode Island Chapter of the American Institute of Architects, protesting against the passage of House bill 13870, making appropriation for a building for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: Petitions of G. Hauffman and others, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Thurston and Chehalis Counties, Wash., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Aberdeen, Tacoma, and Olympia, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. LAFFERTY: Petition of Local No. 28, International Alliance of Theatrical Stage Employees, and Local Union No. 202, Cigar Makers' Union, of Portland Oreg., against national prohibition; to the Committee on Rules.

By Mr. LANCHAM: Petition of the Alaska Woman's Christian Temperance Union, favoring House bill 15430, for prohibition in Alaska; to the Committee on the Territories.

Also, petition of the First Baptist Church of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: A petition by Mrs. Fannie D. Chase and 29 other citizens of Takoma Park, D. C., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, a petition by George R. Apsley and 33 other citizens of Cumberland, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. McCLELLAN: Petition of 60 citizens of Milton, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MORGAN of Oklahoma: Resolution of the Christian churches of Oklahoma, representing a membership of 45,000 residents of the State in convention assembled, indorsing Congressman Hobson's amendment for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union and others of Tonkawa, Okla., indorsing the amendment for national prohibition; to the Committee on Rules.

Also, petition for censorship of motion pictures so far as Federal jurisdiction extends, from B. Colegrove, president Gospel Team, Arapaho, Okla.; to the Committee on Education.

By Mr. O'HAIR: Petitions of sundry citizens of the State of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of the Presbytery of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of Camden (N. Y.) Grange, No. 354, favoring postal ownership of telephones and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Psychological Society, favoring establishment of a department of mental hygiene in the United States Public Health Service (H. R. 10637); to the Committee on Interstate and Foreign Commerce.

By Mr. TAVENNER: Petition of Mr. A. W. Walty, Colchester, Ill., favoring the early adjournment of Congress; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Elmira, Peruville, and Waverly, N. Y., favoring national prohibition; to the Committee on Rules.

## SENATE.

WEDNESDAY, June 24, 1914.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy servants in this great Senate have been called in the order of Thy providence to help administer the affairs of a great nation, to seek out ways to bring property, to establish order, to execute justice. Paths which lead to the heights where the eternal truth abides are not easy to find amid the conflict of interests. Only by Thine own guidance shall they be enabled to attain to these heights of human justice and of universal right. Grant that this day Thy blessing may abide upon these Thy servants, that they may be in thought and conscience amenable to the Divine influence, and may be led by Thy spirit into such an appreciation of the grave responsibilities and of the high honor of their position that they may find out what is best for all and that which will glorify Thy name in us as a people. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendment of the

Senate No. 71 and agrees to the same, with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 28, 29, 33, and 40; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the further conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill, H. R. 12235, an act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and it was thereupon signed by the Vice President.

#### PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented resolutions adopted by the Conference of the Minnesota District of the German-Evangelical Synod of North America, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Sioux Falls Brewing Co., of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a memorial from the Yankton Commercial Association, signed by J. M. Lloyd, secretary, of Yankton, S. Dak., remonstrating against the enactment of discriminatory antitrust legislation, which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of officials of the John Crerar Library, of Chicago, Ill., praying for a congressional investigation of the claims in connection with the discovery of the North Pole, which was referred to the Committee on the Library.

He also presented memorials of sundry citizens of Illinois, remonstrating against any change in the American flag, which were referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of sundry citizens of Alabama, praying for the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of the California Bankers' Association, in convention at Oakland, Cal., praying for the enactment of legislation reducing the rate on first-class postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Brotherhood of Blacksmiths of Riverside, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from I. Magnin & Co., of San Francisco, Cal., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEWIS presented memorials of sundry citizens of Illinois, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Kuhlback, of Fort Wayne; Fred W. Thomas and Lee Alberr, of Indian-

apolis; Andrew Sock; Charles Calloway, John C. A. Rockatoh, of South Bend; George McAdams, Louis Spurgeon, John Childiers, and 17 other citizens, of Lawrenceburg, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5204) for the relief of Alice H. Gilson, reported it with amendments and submitted a report (No. 609) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2705) for the relief of David C. McGee, submitted an adverse report (No. 610) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell, reported it without amendment and submitted a report (No. 611) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments and submitted a report (No. 612) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 770) for the relief of Thomas Coyle and Bridget Coyle and their legal representatives, reported it with an amendment and submitted a report (No. 613) thereon.

Mr. LANE. From the Committee on Claims I report back adversely the bill (S. 489) for the relief of Ellen B. Monahan, and I submit a report (No. 614) thereon. I ask that the bill be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADDRESS BY HON. WILLIAM JENNINGS BRYAN (S. DOC. NO. 523).

Mr. FLETCHER. From the Committee on Printing, to which was referred a copy of an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention held in that State, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 400) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the pamphlet submitted by Mr. OWEN on June 15, 1914, entitled "The People's Law," an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention, be printed as a Senate document.

DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 524).

Mr. FLETCHER. From the Committee on Printing, to which was referred the annual report of the National Society of Daughters of the American Revolution for the year ended October 11, 1913, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 401) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Sixteenth Report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1913, transmitted to Congress, pursuant to law, by the Secretary of the Smithsonian Institution, be printed as a Senate document, together with the accompanying illustrations.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5972) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. WORKS:

A bill (S. 5974) to prohibit the giving or receiving of tips or other gratuities; to the Committee on Interstate Commerce.

By Mr. CRAWFORD:

A bill (S. 5975) granting an increase of pension to Frank Benoit (with accompanying papers); and

A bill (S. 5976) granting an increase of pension to John S. Perriton (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Gunter'sville, Ala.; to the Committee on Commerce.



By Mr. JAMES:

A bill (S. 5978) to refund to the American Surety Co. of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

By Mr. GORE:

A bill (S. 5979) to provide for the acquisition of a site and the erection of a public building thereon at Cleveland, Okla.;

A bill (S. 5980) to provide for the acquisition of a site and the erection of a public building thereon at Norman, Okla.;

A bill (S. 5981) to provide for the acquisition of a site and the erection of a public building thereon at Alva, Okla.; and

A bill (S. 5982) to provide for the acquisition of a site and the erection of a public building thereon at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 5983) granting an increase of pension to Samuel L. Cole (with accompanying papers); and

A bill (S. 5984) granting a pension to Margaretha Matthes (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5985) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A joint resolution (S. J. Res. 165) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914; to the Committee on Foreign Relations.

#### PROHIBITION IN THE DISTRICT.

Mr. WORKS. I introduce a bill which I ask may be read. It is a short bill, and I ask that it may be referred to the Committee on the District of Columbia.

The bill (S. 5973) to prohibit the manufacture or sale of intoxicating liquors within the District of Columbia was read the first time by its title, the second time at length, and referred to the Committee on the District of Columbia, as follows:

*Be it enacted, etc.,* That from and after one year after this act takes effect it shall be unlawful to manufacture, barter, sell, or give away any spirituous, vinous, malt, or other intoxicating liquor of any kind within the District of Columbia, or to import the same into said District.

Sec. 2. Any person who shall manufacture, barter, sell, give away, or import any such intoxicating liquors or otherwise violate the provisions of this act shall be guilty of a misdemeanor and be fined not less than fifty nor more than five thousand dollars, or be imprisoned for not less than one nor more than twelve months, or be both fined and imprisoned for each offense, and for a second or subsequent offense such person shall be both fined and imprisoned, and each act of manufacturing, bartering, selling, giving away, or importing such liquors shall, for the purposes of this act, constitute a separate offense.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate \$100,000 to install and maintain an outdoor exhibit at the Panama-California Exposition to be held at San Diego, Cal., in 1915, to illustrate the function and administrative faculty of the Government pertaining to irrigation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

#### STATUE OF GEORGE WASHINGTON GLICK.

Mr. THOMPSON. I desire to offer a resolution, and I should like to have unanimous consent for its immediate adoption.

Mr. President, there is being placed in Statuary Hall to-day the statue of George Washington Glick. Under the law each State is entitled to place two statues of its distinguished men or women in that famous Hall. About 10 years ago Kansas selected from her citizens as one of the recipients of this honor John James Ingalls, who was formerly a celebrated Member of this body. About one year ago Kansas chose another of her citizens, George Washington Glick, the only Democratic governor the State ever had until the present administration, to receive the same high honor.

As everyone knows, Senator Ingalls was an uncompromising Republican. As is equally well known, Gov. Glick was an un-

compromising Democrat. These men lived and died in the same town, Atchison, Kans., and are buried in the same cemetery. It is therefore very fitting that the statues of these eminent sons of Kansas, representing, respectively, two branches of political thought and the two great political parties of this country, should stand side by side in the Hall of Fame.

A prominent place immediately at the right of the entrance leading from Statuary Hall to the House of Representatives has been selected for the statue of Gov. Glick. A place equally important has been selected for the statue of Senator Ingalls, immediately at the left of the same entrance.

Mr. President, I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 402) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, to-day erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, after the conclusion of the routine business.

#### NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS submitted the following resolution (S. Res. 403), which was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the evidence taken by the Interstate Commerce Commission pursuant to Senate resolution No. 260, concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., together with the report of the Interstate Commerce Commission thereon, be printed as a Senate document.

#### GOVERNMENT PRINTING OFFICE—CIVIL-SERVICE LAWS.

Mr. STONE. Mr. President, some days ago the senior Senator from Ohio [Mr. BURTON], while discussing an item in the legislative, executive, and judicial appropriation bill, made some rather violent criticisms of the administration of the Government Printing Office while Mr. Benedict was at the head of it. This was during the administration of Mr. Cleveland. I had a colloquy with the Senator from Ohio at that time, and I suppose by reason of that both Mr. Benedict and Mr. Albert Baker, who was his secretary, have written me commenting on the statements made by the Senator from Ohio.

The two letters are of the same general tenor and in substance the same. I wish to ask consent to have the letter of Mr. Baker printed in the Record. I will not take the time to read it unless some one prefers to have that course taken, but merely ask to have it printed in the Record. I will not ask to have the letter of Mr. Benedict printed, for it would be practically a duplication. I selected Mr. Baker's letter for the reason that he was the private secretary, and it was the memorandum book said to have been made by Mr. Baker, from which the Senator from Ohio read, and about which the colloquy I had with him occurred.

I should like to have printed the letter of Mr. Baker, together with some extracts from a speech delivered in the House of Representatives January 11, 1898, by Hon. James G. Maguire, a Representative from the State of California. The extracts are referred to in the letter of Mr. Baker, and I have marked the part I should like to have inserted immediately following Mr. Baker's letter. If there be no objection, I will be glad to have that done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEW YORK, June 19, 1914.

HON. WILLIAM J. STONE,  
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called to remarks made by you, on page 10400 of the CONGRESSIONAL RECORD of June 13, during the course of Senator BURTON's speech. You question the accuracy of some of the statements made by the Senator from Ohio in reference to the past Democratic administration of the Government Printing Office.

I had the honor to be the private secretary to whom Mr. BURTON refers, and your characterization of his information as "trash" was well-warranted; in fact, it was the resurrection of a deliberate misrepresentation of facts and records of the Government Printing Office during the last Cleveland administration made in a speech by Congressman Landis, of Indiana, on the floor of the House January 5, 1898. It proved a boomerang for Landis at that time, and if the true facts were now known in the Senate it would show that Senator BURTON's source of information was very inaccurate, to say the least.

At the time of the Landis speech I placed in the hands of Hon. James G. Maguire, who was a Congressman at that time from California, the data and facts, and on January 11, 1898, he having obtained the "books" from the Printing Office, replied to the attack made on the former Public Printer and me. Mr. Maguire's speech was eminently satisfactory from a Democratic standpoint, but very discomfiting to Landis, who was shown to have deliberately garbled and misread memoranda purporting to have been made by me.

I am inclosing copy of Mr. Maguire's speech, and have marked that part which refers especially to the list of names read by Senator BURTON; also marked my communication, which was read on the floor of the House during the course of his speech. This letter and the books which Mr. Maguire obtained disclosed that some 15 of the persons named were reinstated by Public Printer Benedict, who had discharged

them; that the notations "G. A. R.," "Veteran," "Old soldier," "Soldier's widow," etc., were for the purpose of reinstatement; and that the name, date of discharge, reason for discharge, and reason for reinstatement and date of same were all written on the same line in the books, and could not have been overlooked by Landis except for the purpose of deliberate misrepresentation to the House. All these discharges and reinstatements took place when the civil service did not apply to the Printing Office. The office was classified about one year before the close of President Cleveland's administration.

At the time of the large discharge (some 700), referred to by Senator BURTON as "Bloody Monday," the office was outside of the classified service, and the vacancies caused by this discharge were never filled by the appointment of Democrats, as Mr. Benedict found he was able to run the office and turn out more work with nearly 1,000 less employees than his Republican predecessor. These two large discharges were caused by an error of judgment on the part of President Cleveland in leaving Mr. Palmer, the Republican Public Printer, in office nearly a year and a half under his administration. Mr. Palmer, in order to hang on and curry favor with the dominant party, made during this time some 1,300 appointments when the needs of the service did not require any appointments, which was a direct violation of the law. Many Democrats were included in the large discharges, owing to the fact that the quota from some congressional districts and States was far in excess of any equitable basis.

I assert without fear of contradiction that after the office was placed in the classified service the spirit and letter of the law was strictly enforced during the remainder of the Democratic administration.

Perhaps Senator BURTON would be surprised to know that his own party is the greatest offender against the civil service. I have in my possession a list of 75 names, sent to me on October 27, 1899, by the then president of the Civil Service Commission, Mr. Proctor, with the information that all of these persons were returned to the Printing Office, from June 27, 1899, to October 25, 1899, under third proviso of rule 9, presidential order of May 29, 1899, which provided "that any person dismissed from the service upon charges of delinquency or misconduct may be reinstated" without regard to the one-year limit of this rule upon the certification of the proper appointing officer that he has thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." In the case of each of these 75 persons the then Republican Public Printer stated in his requisition to the Civil Service Commission for reinstatement, "I have thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." The facts are that several of these persons voluntarily resigned from the office in 1894 to take up other occupations or employment—in the case of one man who I note has been reduced by the present Public Printer, and which seems to aggravate the Senator from Ohio, there could have been no inadvertence in making such certification to the Civil Service Commission, for this man voluntarily resigned to go with the retiring Public Printer, who had taken up the editorship of a Syracuse newspaper. Then when reappointed Public Printer under President McKinley's first term a deliberate falsification of the records is made in order to get this man back in the office, some four years after his resignation. In most of the remaining 75 names they were removed from the office in a necessary reduction of force and their places not filled during the succeeding years. They were not let out through any misconduct or delinquency, and there was nothing to "thoroughly investigate" along these lines. The 75 names sent me only cover a short period of time. How many in all were juggled into the classified service in this manner?

In conclusion let me state that an examination of the records of the Printing Office will show that most of the employees reduced by Public Printer Ford displaced Democrats when they were promoted, all done at a time when civil service was supposed to govern, and for no other reason than the natural desire of Republican Public Printers to give the better places to their own kind and faith.

I regret the length of this letter, but I desired that you be fully informed of the facts. You might wish to use some of the data that I have furnished, or at some future time these old lies may crop up again.

I am, with sincere respect,

Very truly, yours,

ALBERT BAKER.

#### SOME "LUCKY HITS."

In the course of his speech, the gentleman from Indiana [Mr. Landis] produced a memorandum book, kept by Mr. Albert Baker as clerk under the Public Printer during Mr. Benedict's administration, and read from that, and from two other similar books kept by Mr. Baker, certain memoranda which he told the House were sample reasons for the discharge of employees by Mr. Baker and Mr. Benedict. Some of the memoranda read by the gentleman did undoubtedly represent reasons for the discharge of persons named. For example, after some of the names the word "drunk" occurs, and after some of the names memoranda of discreditable transactions on the part of the employees occur. In such cases the memoranda undoubtedly advised the Public Printer concerning the characters of the employees to whom it referred and aided him in selecting among the employees those whose services could best be spared.

The propriety of dragging such harmless memoranda, made for the advice of the Public Printer alone, from the vaults of the Government Printing Office and publishing them in the CONGRESSIONAL RECORD as permanent and public brands of disgrace upon the unfortunate discharged employees is a question of taste and propriety that must forever rest with the gentleman from Indiana [Mr. Landis] and the present Public Printer, by whom the records were given to the public. I have upon my desk here the three volumes containing the memoranda to which the gentleman from Indiana [Mr. Landis] referred in the course of his speech. I have gone over them carefully. I find that the gentleman has selected some 31 names among many hundreds in these volumes, and I find that he has selected every name after which there was any memoranda that could be, by distortion or perversion, used in this debate to discredit the former Public Printer.

Yet I find upon examination that even that portion of the record published by the gentleman from Indiana in the course of his speech bears upon its face evidence that it can not properly be construed to the meaning given it by the gentleman from Indiana. I find that the gentleman from Indiana in 11 of the cases stated by him has suppressed a part of the memoranda made by Mr. Baker after the names to which he referred and in connection with the memoranda to which he called attention of the House for the purpose of condemning Mr. Benedict. The memoranda that was suppressed shows that Mr. Benedict was extremely liberal in his treatment of old soldiers who were dismissed from the Public Printing Office, even where the cause of dismissal was bitter offensive partisanship. For example, the gentleman read the name of

"W. R. Burgess, compositor, discharged June 13, 1894. Trimmer. Joined the Old Dominion Republican Club."

He read that memorandum for the purpose of showing the bitter partisanship of the Public Printer and for the purpose of winning the applause of the Republican place hunters, but it would have spoiled both of his purposes to have read the remainder of the memorandum, which is: "Reappointed June 17, 1895." He read also the name of "Richard M. Calhoun, watchman, discharged June 13, 1894. Active and offensive in politics." But he failed to read the following portion of the same memorandum: "Reinstated July 22, 1896." He read: "Manie E. Fisher, discharged July 14, 1894. All her folks are solid Republicans." How he came to make the mistake I do not know, unless he was reading from a purported transcript made by some other person whose handwriting was not familiar to him, for in the record the memorandum, very plainly written, is: "All her folks are rabid Republicans."

He also read: "John Green, jr., discharged June 1, 1894. Bitter Republican." In all fairness to this House he should have read the remainder of the memorandum: "Reinstated March 23, 1895." He also read: "James C. Toy, wagon messenger, discharged September 17, 1894. Not willing. Causes trouble. G. A. R." By stopping at that point he elicited the enthusiastic applause of certain Republicans whose patriotism consists a ways in hatred of Democrats and in eagerness to fasten upon them some charge of prejudice against veteran Union soldiers. They greeted his reading of this memorandum with cries of "Ah!" He read the cabalistic letters with an intonation and expression that reminded me most forcibly of the renowned detective called Foxy Quiller.

In the suggestive manner of his reading of the memorandum I imagined I could hear the creaking voice of that renowned sleuthhound crying, "Ah, ha! says Foxy Quiller, always suspect the meaning of the letters 'G. A. R.' when written by a Democrat." He preserved the popularity of that memorandum on the Republican side by suppressing the remainder of it, namely: "Reinstated September 15, 1896. Helper."

I am not prepared to say why he omitted these words, but it does seem to me that, even at the expense of sacrificing some of the Republican applause and of dampening some of the Republican enthusiasm, he should have had the frankness to read the whole of the memorandum or none of it.

He read: "Joan W. Usilton, discharged April 1, 1895. Agitator; charges P. P. dishonest and tyrant." But he did not read the remainder of the memorandum, showing that Mr. Usilton had been previously discharged and reinstated. He read: "Bertie K. Peters, folder, discharged April 3, 1895. Charged to Texas." But he did not read the remainder of the memorandum: "Reappointed June 17, 1895." He read: "George P. Silence, laborer, discharged March 13, 1895. Anti-Democratic." That was a good place to stop, considering the purposes of the gentleman from Indiana; but in common frankness, even though it might have militated against his purposes, he should have read the remainder of the memorandum: "Reappointed December 2, 1895."

He read: "George McCutcheon, discharged April 3, 1895. Veteran and vindictive." That is Mr. Landis's construction of the memorandum, but it is not the memorandum as it is written in the book. The memorandum is, "Veteran (I'a.)—vindictive partisan," a memorandum very different in meaning and containing none of the suggestion of animosity toward the veterans involved in the form adopted and substituted for the language of the memorandum itself by the gentleman from Indiana.

He read: "Mary B. Dunbar, feeder, discharged April 18, 1895; boarding house; father discharged before when I was here," but he did not deem it necessary to read the remainder of the memorandum: "Reinstated January 26, 1896."

He read: "Alice Daly, discharged June 9, 1894. Not needed; daughter in department; soldier's widow." In the memorandum as it appears in the book the words are "Not needed."

Upon concluding the reading, or more properly misreading, of this memorandum, the gentleman from Indiana burst into a flood of superheated eloquence, crying out in the agony of his soul:

"Soldier's widow! Hurled from public place because she was the widow of a soldier. . . . It remained for a hyena, preparing a great Government bureau for a baptism of civil-service reform, to cast aspersion and brand with condemnation those whom honest men, brave men, and generous men the world over regard as the sainted legion of this Republic."

The statement that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow is not only absolutely unwarranted by anything appearing in the book, but is shown by an examination of the record to be absolutely untrue, and without a shadow of foundation to justify such an inference. The memorandum was made up by Mr. Baker, in accordance with the instructions given him by the Public Printer, to show who the lady was; what her circumstances were; what, if any, relatives belonging to her immediate family were employed in the same or in other departments of the Government service.

In selecting those whom the imperative demands of the law and the interests of the Government required to be discharged in order to reduce the force to the requirements of the service, he preferred to discharge a woman who was not needy and who had a daughter in another department of the public service, drawing a salary from the Government, rather than to discharge an equally good and equally deserving woman who was needy, who depended for the support of herself and perhaps of dependent relatives upon the wages which she received in the Government Printing Office, and who had no daughter or other relative in any department of the Government service.

The gentleman from Indiana may not have understood this, and he may have frankly given us the benefit of his honest judgment when he said that in his opinion, from an examination of this memorandum and an examination of the three books to which he referred, he made the deduction and fully believed that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow. If indeed that was his judgment, he must be acquitted of any motive of injustice to Mr. Benedict in making the statement on the floor, and of any motive to deceive ex-Union soldiers by the publication of that statement in his speech; but if that be his honest judgment from the memorandum and from an examination of the books to which he has referred, his mental sagacity will never interfere with his soul's salvation, for he must then be admitted to come clearly within the well-known exception made by the churchmen to the rule that those who do not embrace and retain the true faith can not enter the kingdom of heaven.

The gentleman from Indiana amused the House and encouraged his fellow partisans by reading the following memorandum:

"John F. Atkinson, discharged July 1, 1894. N. G.; lives in Indiana."



He seemed to think that Mr. Atkinson was discharged because he lived in Indiana and not because of anything that might be indicated by the letters "N. G." Probably for the purpose of strengthening his rhetoric, he made the statement that when Mr. Atkinson was discharged "he was instructing three tyros in the printer's art appointed by Mr. Benedict, one of them hailing from Georgia, another from Louisiana, and the third from Texas."

My information is that no printer was appointed by Mr. Benedict in the division in which Mr. Atkinson was serving prior to July 1, 1894, and that no printer was ever appointed by Mr. Benedict who was not a member of a regularly organized typographical union, at least as expert in the printer's art as was Mr. Atkinson, and probably less disposed to impose upon the credulity of Representatives in Congress.

Mr. CUMMINGS. Will my friend allow me right there—

Mr. MAGUIRE. My time is very short, and I have much yet to say, but I will be pleased to hear the question of the gentleman from New York.

Mr. CUMMINGS. I want to know if the gentleman does not think that a card from a printer's union is better evidence of competency than a civil-service examination?

Mr. MAGUIRE. No man can become a member of a regular printers' union without being a practical printer; his examination for admission to the union consists of practical tests of his skill in the art of printing; his card is evidence of all that, and is, in my opinion, as satisfactory evidence of his capacity as the certificate of any civil-service board.

The gentleman from Indiana will confer a favor upon the great body of printers who belong to the typographical unions if he will give the names of the three tyros in the printer's art appointed by Mr. Benedict who were being instructed by Mr. Atkinson prior to July 1, 1894. Upon authority which I believe to be absolutely reliable I am authorized to say that the statement is untrue and that the gentleman from Indiana has been imposed upon and grossly deceived by his informant.

The gentleman tells us that Mary E. Gorman was discharged from the Printing Office because she was a plutocrat, and that she was regarded as a plutocrat because, as shown by the memorandum following her name, she was represented as owning two houses and having money at interest. It is quite true that, in reducing the force of employees at the Printing Office, under the imperative necessity imposed by the law and by the outrageous condition in which he found the office, Mr. Benedict did consider the fact that Mary Gorman owned two houses and had money at interest in determining whether she or some equally worthy woman who had no means of support other than her wages as an employee in the Printing Office should be discharged, and that he did give preference to an equally worthy but more needy woman in reducing the force.

Of course the gentleman from Indiana would have discharged the needy woman as unworthy of consideration and would have retained in her stead the woman who owned houses and had money at interest. It is quite probable that no woman would have stood any chance of preferment over Mary Gorman in the gentleman's estimation unless she owned more houses than Mary Gorman owned and had more money at interest.

#### THE CHARITY THEORY—"HE NEEDED THE PLACE."

The gentleman from Iowa [Mr. Henderson], interrupting the gentleman from Indiana, read from one of these books an entry stating that B. P. Entriiken had resigned June 30, 1894. The gentleman from Iowa pronounced the statement that Mr. Entriiken had resigned to be false, but I venture to say that Mr. Entriiken's resignation was duly filed in the office of the Public Printer.

I say that without investigation, because I can imagine no possible reason for making the entry unless Mr. Entriiken had in fact filed his resignation. The call for his resignation was, at that time, a mere courtesy to which Mr. Entriiken was not legally entitled. The Public Printer then had absolute power to discharge whomsoever he would without giving any reason for so doing. The civil-service rules were not at that time in force in the Printing Office, and it is quite immaterial whether Mr. Entriiken severed his connection with the office by resignation or by discharge. In either case his removal amounted to a discharge, because the call for his resignation was equivalent to a notice of dismissal.

But I call attention to the statement of the gentleman from Iowa, in his behalf, for quite another purpose. In discussing this case the gentleman from Iowa said:

"This man was appointed by Mr. Palmer on my recommendation and promoted until he got \$1,400. His wife died, leaving young children on his hands, and he came to me when I was on my back, and I wrote an appeal to the Government Printer and tried to save him. He had been ordered to resign. I told him not to leave his place until he was driven out. Senator Gear, at my request, went personally to see the Government Printer and was insulted and told to 'mind his own business.'"

I am bound to assume, since the gentleman from Iowa states it to be a fact, that when Senator Gear attempted to interfere with his management of the force of the Government Printing Office, and attempted to dictate to him concerning the appointment of employees to serve the Government under him in that department, and attempted to insist upon the retention or reappointment of an employee, not upon any consideration of the interests of the public service, not because the employee was skillful or efficient or industrious or faithful, but because the employee was a friend of a Representative in Congress and was in circumstances entitling him to the charitable consideration of generous-minded people, who had probably told the Public Printer, in accordance with the advice given him by "his influence," that he would "not leave his place until he was driven out," that he—Mr. Benedict—told Senator Gear "to mind his own business."

Of course, I do not approve of the rudeness of that reply, but it seems to me that, under those circumstances, Mr. Benedict was entirely justified in mildly and considerately making that suggestion to the Senator, and that his courage in protecting the interests of the United States Government against the interference and domination of Members of the legislative department of the Government was highly commendable.

#### UNJUST ATTACK ON MR. BAKER.

So much for the assaults made upon Public Printer Benedict. The record of his public service is and will ever be a complete and invincible defense against all partisan assaults. The gentleman from Indiana [Mr. Landis], in the course of his denunciation of Mr. Benedict's administration of the Government Printing Office, made an attack upon Mr. Albert Baker, a clerk in that office under Mr. Benedict, which, in my opinion, was utterly and absolutely unwarranted and inexcusable.

He called him a "hyena" and an "official headsman" in charge of decapitations in the Printing Office, and held him up to ridicule and scorn as a malignant enemy of Republicans in general and of veteran soldiers and soldiers' widows in particular.

Mr. Baker was not an official headsman. He was not in charge of political decapitations in the Printing Office; he had nothing to do with removals or appointments; he had nothing to do with the recommendation or suggestion of removals or appointments. He was assigned to duty as a clerk in Mr. Benedict's office, to do what he was told to do by his superior; to keep such records as he was told to keep. He had neither power nor responsibility beyond this. Mr. Benedict was responsible for all removals and appointments, and when he sought advice concerning removals he sought it from the heads of the different divisions of the Printing Office, and not from the clerks, whose duty began and ended with keeping such records and doing such clerical work as he directed.

Immediately after the assault upon Mr. Baker was made by the gentleman from Indiana, and knowing that the statement made on this floor concerning him, if allowed to pass unchallenged, might be unjustly used to the prejudice of his standing and rights in the service of the Government, I wrote him, asking for a statement of his version of the matters referred to by the gentleman from Indiana, and, in particular, for a full statement of the facts concerning his connection with the dismissal of employees from the Government Printing Office.

On Saturday last I received a letter from Mr. Baker, in which, in a straightforward, manly way, he shows the absolute injustice of the attack made upon him. The letter is as follows:

WASHINGTON, D. C., January 8, 1898.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you request the facts in connection with certain statements and deductions made in a speech by Mr. Landis, of Indiana, from records kept by me during Mr. Benedict's administration of the Government Printing Office, and I reply as follows:

Upon Mr. Benedict assuming the duties of Public Printer in May, 1894, he designated me to act as secretary, which position I held until the close of his administration. My services in the Printing Office were continuous from April, 1887, to July 16, 1897, at which time I was transferred from the above-named office to a position in the Treasury Department.

Mr. Landis, in the course of his remarks, states that Mr. Benedict brought me with him; that upon Mr. Palmer's taking charge of the office I was promptly kicked out; that the Civil Service Commission procured my reinstatement for the purpose of transfer to the Treasury Department, where I had a brother, who was chief of a division. The facts are that Mr. Benedict did not bring me with him; that I served three and one-half months under the present administration of the Printing Office; that the records do not show that I was discharged and reinstated for the purpose of transfer; that the Civil Service Commission did not procure my transfer to the Treasury Department, and I never had a brother chief of division in that department.

My duties as secretary did not require me to make discharges or recommendations for discharges, and I deny that part of Mr. Landis's speech wherein he refers to my being the official headsman and making discharges. I will go further: If he can substantiate his statement in a single instance, I will relieve his distress over the fact of my now occupying a position in the classified service by promptly resigning.

In regard to the books kept by me, one of which was produced by Mr. Landis, I will state that they contain the names of every person employed in the Government Printing Office at the time they were made up. The deaths, resignations, discharges, and reinstatements were entered in them from time to time as the reports of the same came on my desk. They are in no sense my personal records, and are only private in so far as the Public Printer desires to keep them. I made very few memorandums in these books, principally in reference to other papers on file in the office. Every notation placed therein of "soldier," "soldier's widow," or "G. A. R." was there not as an indication of a reason for the discharge, but for the benefit of the person opposite whose name placed, and these notations were used by the Public Printer subsequently when making reinstatements.

Of the names read by Mr. Landis, which were gleaned from the three books, I recall 15 of these persons were reinstated by Mr. Benedict, among them being "soldiers" and "soldiers' widows." I am at loss to understand how this fact could have escaped Mr. Landis when looking over the books, as my rule was to record the reinstatement on the same line with the discharge. We will take, for instance, the citation: "James C. Toy, wagon messenger; discharged September 17, 1894; not willing; causes trouble; G. A. R." If I remember right, the Grand Army of the Republic had him reinstated in the office; certainly Mr. Benedict reinstated him because he was a "soldier."

Mr. Benedict, when he took charge of the office, deemed the force of employees in excess of the demands of the service and made reductions. In making dismissals in the divisions in which women were employed I know that it was his desire to retain, all things being equal, the needy women and to dismiss those who were best fitted and able to relinquish their positions.

It would seem that humane action would require that the Public Printer keep the woman who had no means of support other than her position in the office and discharge the woman whose husband was a lawyer and engaged in active practice or the woman who was living with her husband and he able to support her or the woman who was well to do and worked simply as a matter of choice and not of necessity.

In conclusion I wish to say that I have endeavored to give you a correct and impartial statement.

I am, with respect, very truly, yours,

ALBERT BAKER.

HON. JAMES G. MAGUIRE,  
House of Representatives.

After receiving the letter from Mr. Baker which I have just read I called upon the present Public Printer for the three books to which the gentleman from Indiana [Mr. Landis] referred and from which he quoted in the course of his speech. The Public Printer very courteously and promptly sent the books to me, and I have them before me. I have carefully examined the three books and all the entries contained in them. I have gone through them thoroughly, and I say now that the gentleman from Indiana made a most unwarranted use of them.

They do not in the least tend to show any discrimination whatever against old soldiers or soldiers' widows by Mr. Benedict as Public Printer. On the contrary, an examination of the books shows conclusively that Mr. Benedict discriminated in favor of the old soldiers regardless of their political affiliations, and these very books show violent Republican partisans who were discharged by Mr. Benedict

in reducing the force in the Government Printing Office were reinstated by Mr. Benedict because they were veteran soldiers and in spite of the fact that they were bitter and vindictive Republican partisans.

The records of the Government Printing Office will show that when Mr. Benedict went out of office the last time there was a greater proportion of Union soldiers and soldiers' widows employed in the Government Printing Office than there had ever been before under any previous administration.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On June 22, 1914:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

On June 23, 1914:

S. J. Res. 100. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

On June 24, 1914:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIPLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 8, 16, 18, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 24, and 25, and agree to the same.

CHARLES F. JOHNSON,

REED SMOOT,

*Managers on the part of the Senate.*

JOE J. RUSSELL,

J. A. M. ADAIR,

*Managers on the part of the House.*

The report was agreed to.

#### INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that House bill 12579, the unfinished business, be laid before the Senate and proceed with.

There being no objection, the Senate resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smoot
Borah	James	Penrose	Sterling
Bristow	Jones	Perkins	Stone
Bryan	Lane	Hittman	Sutherland
Burleigh	Lee, Md.	Poindestexter	Thomas
Camden	McCumber	Pomerene	Thompson
Chamberlain	Martine, N. J.	Reed	Thornton
Chilton	Myers	Saulsbury	Tillman
Clapp	Nelson	Shafroth	Vardaman
Clarke, Ark.	Newlands	Sheppard	Warren
Crawford	Norris	Shields	White
Culberson	O'Gorman	Simmons	Williams
Cummins	Oliver	Smith, Ariz.	Works
Dillingham	Overman	Smith, Ga.	
Gore	Owen	Smith, Mich.	

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. NORRIS. I desire to announce the necessary absence of the junior Senator from Iowa [Mr. KENYON]. I should like to have this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The bill is in the Senate, and the pending question will be stated.

The SECRETARY. The pending question is on the amendment of the committee on page 77, beginning in line 18, as amended by the amendment of Mr. WILLIAMS and the amendment of Mr. ASHURST on behalf of the Committee on Indian Affairs.

Mr. VARDAMAN. Mr. President, this question has been very thoroughly discussed. I am sure the Senate is anxious for a vote. I am going to consume but a very few moments. The question in a nutshell is this: Shall the Mississippi Choctaw Indians be permitted by Congress to share in the fund that has been accumulated by the sale of their lands—in other words, shall these people be given a square deal in the distribution of their own property?

Mr. President, the white man's inhumanity to the red man has been the subject of song and story and sermon since the first pale face put foot upon the Western Hemisphere. The Indian has been plundered; he has been exploited; his interest has been the sport of the speculator and the rapacious lawyer, and his rights have at all times been subordinate to the interests of everybody else. "Perfidious wrongs and innumerable woes" have been his portion since the white man became the ruler of this continent.

The distinguished Senator from Oklahoma [Mr. GORE] a few days ago animadverted upon the great wrong which the Indians had suffered at the hands of the lawyers, referring to the fact that they had paid as high as 33 1/3 per cent to lawyers for the protection of their property rights. That is just treatment, Mr. President, compared with the treatment which is being accorded to the Mississippi Choctaws in this instance; that is at least two-thirds better treatment than these people are here to receive, for it is now proposed to take from them 100 per cent.

I am not going to speak of the genealogy of these people; I do not know whether or not they can prove their claims; but I do know, Mr. President, that they are Choctaw Indians; they are of the bone and flesh and blood of the Indians who are to share in the distribution of this fund in the State of Oklahoma. Nor am I asking the Senate to interpret a law; but, on the contrary, I am asking the Senate to write a law which will vouchsafe to these unfortunate people the enjoyment of their rights. As has been well said upon the floor of this Chamber, they have been neglected; they are ignorant; they are illiterate; they are thriftless; they know not their rights; they are not capable of maintaining them if they did; and if their rights are not protected here, they will go on as they have in the past, uncomplaining, and these silent, long-suffering stoics of the woods will never be heard from except through the voice of some one else. They are here now through myself and other Senators asking Congress to give them a square deal. Let the law be written so that the interests of these people may be looked after, so that the Secretary of the Interior or agencies to be created by this Government may go and ascertain the facts as to whether or not these are Choctaw Indians, and entitled to share in this benefaction which is awaiting them at the hands of Congress.

I sincerely hope, Mr. President, that when this question shall be voted on Senators will think of the helplessness of these people, and that they will realize that it is only through their action, their votes, that the rights of the Mississippi Choctaws are to be protected.

The Mississippi Choctaw as I know him personally is one of the genuine autochthons of America. He has been changed very little by the white man's civilization. He is practically the same creature described by Pope when he said:

Lo, the poor Indian! Whose untutor'd mind  
Sees God in clouds, or hears him in the wind;  
His soul proud Science never taught to stray  
Far as the solar walk or milky way;  
Yet simple Nature to his hope has giv'n,  
Behind the cloud-topp'd hill, an humbler heav'n;  
Some safer world in depth of woods embrac'd,  
Some happier island in the wat'ry waste,  
Where slaves once more their native land behold,  
No fiends torment, no Christians thirst for gold,  
To be, contents his natural desire,  
He asks no angel's wing, no seraph's fire;  
But thinks, admitted to that equal sky,  
His faithful dog shall bear him company.

Unless the policy of the Government shall be changed, unless by the vote of the Senate to-day the rights of the Choctaw shall be protected in this bill, his happiness must necessarily be deferred until with his faithful dog he crosses the "cloud-topp'd hill" and enters the happy hunting ground. I can not believe that your sense of right will permit you to deny these wards of the Nation simple justice.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. As I understand—the Chair will correct me if I am wrong—the



question comes up now upon the committee amendment as amended by my amendment and as amended by a subsequent amendment, so the question comes up upon the entire amendment as twice amended?

The VICE PRESIDENT. The Chair last night, in the hope of expediting business, made a ruling that was perhaps not correct. The Chair announced last night that the vote would be on the amendment of the Senator from Mississippi, and not on the entire amendment, but it is immaterial to the Chair how the vote may be taken. If it is desirable to vote on the entire amendment, the Chair has no interest in it.

Mr. WILLIAMS. I understand that perfectly. I merely wanted to get the status correct. Then, those of us who favor the committee amendment, as amended by my amendment, will, of course, vote "yea."

Mr. OWEN. Mr. President, we desire that the amendment to the committee amendment proposed by the Senator from Mississippi shall be voted on on its own merits, and not that the vote shall come on the committee amendment as amended on the motion of the Senator from Mississippi. That would give us no opportunity at all of passing upon the merits of this proposal to reopen the Choctaw rolls, which the department has opposed reopening for seven years. We want to vote upon the proposition of the Senator from Mississippi, and not upon the joint proposition. I should like to ask the parliamentary status.

The VICE PRESIDENT. The Chair ruled last night that the question was on the amendment of the Senator from Mississippi, not that the Chair ruled correctly, but for the purpose of expediting the business of the Senate. The Chair understood that that was the only question that was in real controversy.

Mr. OWEN. Then, those who wish to support the contention of the Senator from Mississippi should vote "yea," and those desiring to support the Committee on Indian Affairs should vote "nay." Is that correct?

The VICE PRESIDENT. That is the view of the Chair. The Chair thinks, however, that a far better situation would arise if a motion were made to reconsider the vote whereby the amendment of the Senator from Mississippi to the amendment of the committee was agreed to as in Committee of the Whole.

Mr. OWEN. Then, the question now is on the adoption of the amendment proposed by the Senator from Mississippi?

The VICE PRESIDENT. The Chair has stated that the Chair believes that he made an incorrect ruling last night on the motion to lay on the table, but no Senator seemed to object; and the Chair is going to put the question now. Will the Senate concur in the amendment of the Senator from Mississippi to the committee amendment?

Mr. GORE. Mr. President, it is not my purpose to thrash this straw again. I wish to say merely one word in response to the very eloquent and the very pathetic appeal just made by the junior Senator from Mississippi [Mr. VARDAMAN].

I share the sympathy which he expresses for the Mississippi Choctaws, and I feel an equal sympathy and consideration for the Oklahoma Choctaws. It is not necessary to subject the Oklahoma Choctaws to delay or to privation or to suffering on account of any real or imaginary rights which might be alleged in behalf of the Mississippi Choctaws.

I suggested a few days ago that in 1820 and 1830 the white people were moving in large numbers into the State of Mississippi. It was their desire, and it was the desire of the General Government, that the Indians should be removed from the State of Mississippi to some region west of the Mississippi River. In order to consummate that design, in order to get rid of the Indians, a treaty was entered into in 1820 and another one in 1830. The Choctaws ceded a large tract of their land to the United States Government and received in return therefor the territory which they now occupy in the State of Oklahoma. The policy and design of the Government, be it remembered, were to get these Choctaws to leave Mississippi and to remove to the Far West. There were some Indians who would not go West. In order to make provision for them, the treaty stipulated that those who desired to remain in Mississippi and become citizens of the States should receive certain lands—a section of land to the head of a family, a half section to children over 10 years, and a quarter section to children under 10 years.

A number of the Indians qualified under that provision and received the land. More than a million acres of land were given to the Indians who qualified under that provision. Land scrip was issued, capitalized, and afterwards paid in the amount of \$872,000 to the Choctaws who remained in Mississippi. In 1889 the Choctaws who neither received land nor scrip nor money in 1852 were given an opportunity to qualify in a court provided for the purpose, and \$417,000 was distributed among those Choctaws. Three efforts have been made by the Govern-

ment of the United States to satisfy any claim and any right on the part of the Choctaw Indians who remained in the State of Mississippi.

On the other hand, a number of Choctaws, subsequent to the first migration, removed to the State of Oklahoma between 1836 and 1892. They were encouraged to go by their brethren in Oklahoma; they were admitted to membership in the tribe; they were allowed to share the property of the tribe; every privilege was accorded to them. But in 1893 the Dawes Commission was created. Now, let it be remembered again that bona fide residence in Oklahoma has always been a condition precedent to membership in that tribe. The treaty itself, the patent itself, conveyed those lands to the Choctaws on condition that they should remove there; in other words, it stipulated that they should have and hold the lands so long as they existed as a nation and lived on the land.

In 1893, as I have said, the Dawes Commission was created with a view to winding up the affairs of these Indians. The Dawes Commission decided that the Mississippi Choctaws who had remained in Mississippi had no right to share in the tribal property of the Oklahoma Choctaws. An appeal was prosecuted from that decision of the commission to the Federal court in Oklahoma, and the Federal court decided that the Mississippi Choctaws remaining in Mississippi had no right to membership in the Oklahoma tribe and had no right to share in their property. An appeal was prosecuted to the Supreme Court of the United States, and the Supreme Court of the United States held that the Choctaws remaining in Mississippi had no right to share in the tribal property in Oklahoma.

Now, two decisions of the Federal court stand here in opposition to the pending amendment; but, Mr. President, notwithstanding those court decisions, in order that they might have their peace, in order that they might come into their own, out of an abounding generosity, the Oklahoma Choctaws in 1902 reopened their rolls and allowed 1,440 and odd Mississippi Choctaws who had removed to the State to be enrolled in the Oklahoma tribe and to share in the tribal property. That act of generosity cost the Oklahoma Choctaws \$1,400,000.

But, Mr. President, this matter ought to be closed at some time. It has been pending for 84 years. Thrice has our Government tried to satisfy the Choctaws who remained in Mississippi; the Oklahoma Choctaws have repeatedly opened their doors and encouraged their kinsmen to come to Oklahoma; they encouraged them to come at the cost of \$1,400,000. To-day they have \$7,500,000 in cash in the Treasury, uncollected balances of \$7,100,000, and unsold properties aggregating some \$25,000,000 or \$30,000,000.

Many of these Indians are, of course, amongst our most intelligent, enlightened, and successful citizens, but there are many full bloods. I had a letter yesterday from a full-blood Choctaw, appealing to Congress and appealing to the Senate to pass this per capita payment of \$100. They have had five lean years, five dry years in Oklahoma. It has been a severe time upon many of the whites; imagine the severity upon the Indians, and particularly upon the full bloods. For three years they have had no per capita payment. Last year this proposition went out on account of the opposition of the senior Senator from Mississippi [Mr. WILLIAMS].

Now, since they are asking but for \$2,700,000, which would leave \$4,800,000 in the Treasury, and a large estate in addition to that, why subject the Oklahoma Choctaws, why subject the full bloods to privation, to hardship, and to actual suffering merely in order to speculate about the rights which, if ever determined in favor of the Mississippi Choctaws, there will be a superabundance of property to liquidate any claim they may possibly establish?

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. VARDAMAN. We were perfectly willing on yesterday and made the proposition to go on and pay the \$100 per capita under the terms of the bill provided any disposition whatever was shown to deal fairly with the Mississippi Choctaws, and to ascertain what number of the Mississippi Choctaws were entitled to share in this benefaction. We do not want to delay the payment; I do not at any rate; I should be very glad to have the matter compromised and to let the Choctaws in Oklahoma, who are suffering from five lean years, have the \$100 per capita if the Senator from Oklahoma will consent that the law may be so amended that the Secretary of the Interior may institute proceedings to ascertain who of the Mississippi Choctaws are entitled to share in the fund.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. GORE. I do.

Mr. POMERENE. I rose to ask a question of the junior Senator from Mississippi.

Mr. VARDAMAN. I shall be glad to answer it if the Senator from Oklahoma will permit me to do so at this time.

Mr. GORE. With pleasure; yes, sir.

Mr. POMERENE. The Senator from Oklahoma has just given a recital of the various settlements which were made with the Mississippi Choctaws by the United States Government. Does the Senator from Mississippi concede the correctness of that statement?

Mr. VARDAMAN. I concede the correctness of the statement that an effort has been made several times to ascertain who are entitled to share in this fund; but I also concede, and it will not be denied, that when the rolls were closed in 1907 the Indian Commissioner said that he had not had time to complete the investigation; and I also know that there are something like 1,100 Choctaws in Mississippi who stand in relation to this fund equally with those who were permitted to go to Oklahoma and participate in it. Now, we know they are there. We know they are entitled to it in morals. That they have failed to take advantage of the opportunities I confess, but they did so because they did not know their rights, and they had nobody to instruct them as to their rights. I am simply asking now that the Congress give them an opportunity; and if they are not entitled to it under the law and under the treaty, then of course they will not share it.

Mr. POMERENE. Mr. President, as I understood the statement of the Senator from Oklahoma, there was first a grant of land to those Choctaws.

Mr. WILLIAMS. If the Senator will pardon me, there was a promise of land.

Mr. POMERENE. Just let me finish my question.

Mr. WILLIAMS. There was a promise of land, but no land.

Mr. VARDAMAN. No; the Mississippi Choctaws got nothing.

Mr. GORE. They got a million acres of land.

Mr. POMERENE. As I understood, the Senator said that they got either land or land scrip.

Mr. GORE. Yes, sir; over a million acres.

Mr. POMERENE. Then, secondly, I infer that there was some other dissatisfaction, and a certain sum of money was granted to the Mississippi Choctaws. I am simply interested in knowing what the facts are about the matter, and I wanted to know what was the difference between the two propositions.

Mr. VARDAMAN. These people there have all the moral rights that the Mississippi Choctaws had who went to Oklahoma in 1907. They just failed to take advantage of this privilege; that is all. They are there. They deserve it. They are entitled to it. It is theirs.

Mr. POMERENE. Mr. President, do the records show who were the recipients of this land scrip and of this money so that we can ascertain?

Mr. VARDAMAN. I do not think the record shows that any of the Mississippi Choctaws in Mississippi now have ever shared in it at all.

Mr. POMERENE. Is there any way of showing whether or not these Mississippi claimants or their ancestors received this scrip or this money?

Mr. VARDAMAN. I suppose so.

Mr. OWEN. Mr. President, may I answer the Senator from Ohio?

Mr. GORE. I yield to my colleague.

Mr. OWEN. Under the treaty of 1830 a number of Choctaws received lands in Mississippi, estimated by my colleague—and he has recently hunted it up—at a million acres of land. After that Murray & Vroom made a list of those who ought to have been enrolled as fourteenth-article claimants in 1830. There were 4,100 Choctaws who were on the Murray & Vroom roll, and between 1838 and 1855, 3,400 of them moved from Mississippi to Oklahoma. Afterwards, before the Curtis Act of 1898 was passed, 700 more moved, according to the records. Those lists are shown on the muster rolls in the Indian Office. So that of the 4,100 found entitled by Murray & Vroom 4,100 moved.

Since that time, and when the Congress determined to break up the Five Tribes and their government, Congress in 1896 ordered the Dawes Commission to make up these rolls. I represented the Mississippi Choctaws and applied for their enrollment in 1896. The Dawes Commission refused to enroll them, because they had not moved to Oklahoma. I took the matter on appeal to the United States court presided over by Judge Clayton. He decided in the Jack Amos case that because they had not removed he would not enroll them. The matter was

then appealed to the Supreme Court, and they held that the decision of Judge Clayton was final under the law.

From 1898 up to 1907, nine years, the Dawes Commission were considering various individual Mississippi Choctaws. They went down to Mississippi in 1898 and made a tentative list of those who appeared to be of Indian blood—a list of 1,900 people, some of them full bloods, some of them half bloods, and some of less degree—but the Dawes Commission reported at the same time that these people could not prove their rights under the fourteenth article of the treaty of 1830, because they could not prove who their ancestors were, and they could not prove that their ancestors had complied with that agreement. That was the roll referred to by the Senator, who said that 1,100 of those never were finally admitted; but after March 10, 1899, when this list was made, the Dawes Commission sent expedition after expedition into Mississippi and elsewhere to consider the individual claims of anyone who could prove himself entitled; and in addition to that the Choctaws and the Chickasaws agreed that they would waive the matter of evidence and would not require them to prove their descent from an ancestor who had complied with the treaty of 1830, but if they could show themselves to be full-blooded Choctaws, and if they would, after being notified that they were so recognized, within six months remove to Oklahoma and live there for three years, they should be enrolled.

Mr. POMERENE. What year was that?

Mr. OWEN. It was in 1902 that this compromise was made of this question. Under that agreement with the Choctaws and the Chickasaws, made an act of Congress and approved by the vote of the Choctaw people and approved by the vote of the Chickasaw people, 1,642 of these people from Mississippi were brought into Oklahoma to divide this property of the Western Choctaws, estimated by my colleague at \$1,400,000. Now, after 18 years of effort to close these rolls, after 7 years since the Congress of the United States by an act did close these rolls, the Senators from Mississippi, moved by the activity of some of their citizens, are urging the reopening of these rolls. It means the opening of Pandora's box. The Interior Department has reported against it time and again. We are entitled to our peace, and the committee ought to be supported in this matter.

I hope my colleague will pardon me. I did not know I was going to make a speech.

Mr. GORE. Yes, sir; with pleasure.

I wish to say further to the Senator from Ohio that in 1852 an appropriation was made by Congress of \$872,000 to pay the Indians for the latter half of the land scrip which had not been issued. In 1889 the Mississippi Choctaws who had received neither land nor scrip nor money under the act of 1852 were given \$417,000. It was distributed among them, some 192 families, I suppose representing a thousand individuals.

Mr. WILLIAMS. May I ask the Senator where those so-called Mississippi Choctaws were at that time?

Mr. GORE. I think the 192 families were in Oklahoma.

Mr. WILLIAMS. Yes; and, as a matter of fact, all of these distributions the Senator is referring to were made to Choctaws in Oklahoma.

Mr. GORE. Oh, no.

Mr. WILLIAMS. Every one of them.

Mr. GORE. The distribution of 1852 was made to Choctaws in Mississippi. It was the land scrip which was given to them on the very condition that they did remain in the State of Mississippi.

This matter has been pending now for 84 years. The General Government has thrice made an effort to satisfy the Mississippi Choctaws who remained in that State. If they have any claim against anybody it is a moral claim only against the Government of the United States.

Mr. OWEN. They have not any claim against the Government.

Mr. GORE. So far as that is concerned, they have no claim against the Government. Twice the courts have decided that they have no right to share in the Oklahoma property. I do not know how many efforts or how many cases there must be, or how long this is to be continued. There have been three efforts by the General Government and two decisions by the court. If it is to be pursued until ultimately they get a decision in their favor, if that policy should be pursued in litigation, there never would be an end to judicial controversies or to controversies of any character.

It would seem that these three efforts on the part of the General Government and these two court decisions, and even subsequently to that the voluntary opening of their roll to the Choctaws at such an enormous expense, ought to show that at least the Oklahoma Choctaws have acted in good faith. To



penalize them now, to subject them to privation and in many instances to want, is an instance of man's inhumanity to man which no one can justify, least of all to the involuntary wards of this great and generous Government.

Mr. WILLIAMS. Mr. President, once upon a time somebody came to Benjamin Franklin, I believe, and asked him why he did not reply to a certain argument which had just been delivered. He said: "To reply is easy; to silence is impossible."

I have already replied to every point that has just been made by the two Senators from Oklahoma. I have called the attention of the Senate to the fact that they have been using the phrase "Mississippi Choctaws" in an ambiguous sense, calculated to mislead; that when I use the term "Mississippi Choctaws" I am referring to the Choctaws who are now residing in Mississippi; and they get up here and give you a long list of things that have been done for so-called Mississippi Choctaws who are residing in Oklahoma and who are not known by me as Mississippi Choctaws at all. Of course all Choctaws were at one time Mississippi Choctaws, except those who went from Alabama.

Mr. OWEN. The law describes them.

Mr. WILLIAMS. The law describes the Mississippi Choctaws, as far as it describes them in the act of 1902 at all, as I have defined them, to wit, the Choctaws who are in Mississippi. We undertook in 1902 to make provision for those Choctaws who are now in Mississippi, and the Senators keep going back historically to all the legislation that ever was enacted concerning Choctaws who originally lived in Mississippi but afterwards moved to Oklahoma and are living there now. They are there to-day.

Mr. OWEN. We have taken good care of one group after another until we are worn out.

Mr. WILLIAMS. If you have taken good care of one group after another until you are worn out, it would have been better for you to have taken care of all the groups at once. At any rate, the fact is not disputed that a number of them are there now, and they are very much more Indian than the Senator from Oklahoma is, and very much more Indian than anybody here is. They are full-blood Indians, they are half-blood Indians, they are quarter-blood Indians; and I offered yesterday to take care of the full bloods and the half bloods only and let the balance go in an amendment I offered to an amendment offered by the Senator from Arkansas [Mr. CLARKE].

All that we are trying to do is to see to it that the distribution of this fund is not begun—and if it once begins, it will be finished before they are through with it—until these people have had a proper chance. Why, there is nobody who will deny, because the argument of the senior Senator from Oklahoma would stare them in the face if they did, that there were 1,110 of them on the roll pigeonholed down here for eight years; and yet you come up and say they did not move to Oklahoma. Why, they never got any notice that they could move to Oklahoma. They were to be given six months after the final approval of the rolls, and the rolls were not finally approved. Then the bar of the statute of limitations was pleaded against them.

Again and again and again it has been said upon the floor that the Supreme Court of the United States decided that these Choctaws in Mississippi had no rights in Oklahoma unless they had moved there, and yet the fact is that the Supreme Court never decided anything of the sort. The Supreme Court of the United States decided, under the peculiar jurisdiction granted to the Federal courts in the Indian Territory at that time, that Congress had intended to give those courts the final say upon the question, and therefore that the Supreme Court of the United States had no jurisdiction by way of review or on appeal, and the case was sent out because of the lack of jurisdiction. There was a peculiarly constructed act in which the Federal courts were given the final say without right of appeal from those Federal courts.

It is not even true that all the Federal courts in Oklahoma decided that way. One of those Federal courts decided that the Mississippi Choctaws—and when I say "Mississippi Choctaws" I mean Choctaws living in Mississippi—had a right independently of removal to the Choctaw Nation; and another, presided over by Judge Clayton, decided that they had none except founded upon their removal. It was from Judge Clayton's decision that the then citizen of Oklahoma, now a Senator from Oklahoma, Mr. ROBERT L. OWEN, took the appeal in the Jack Amos case; and there it was that the Supreme Court decided that under the peculiar wording of that act it had jurisdiction; that no appeal lay to it; that the decision of Judge Clayton was final, and settled the question, on the ground that Congress had vested that authority in the Federal court, just as I explained the other day that when Congress vests a certain

authority in the Bureau of Immigration or the Immigration Commissioner to deal with the matter or immigration, or when it vests a certain authority in the Postmaster General to stop the delivery of fraudulent mail, for example, the courts refuse to consider the matter any further because the legislative branch seems to have determined that the consideration should stop there.

All that we are asking is just what I have asked before. Reference has been made to a compromise. Why, you would think from that that the Mississippi Choctaws—meaning the Choctaws living in Mississippi—had something to do with some agreement. They never had anything to do with it. It was a compromise between the Government of the United States and the Choctaws living in Oklahoma. The Mississippi Choctaws were left out of consideration and literally cut off.

Now, Mr. President, I am going to earn as far as I can the unbounded gratitude of the Senate by not repeating over and over again what I have already said in answer to arguments which this morning are a mere repetition of what had also previously been said.

Mr. LANE. Mr. President, I wish to say for the information of the Senate that I was acting chairman of the Committee on Indian Affairs when this matter was presented by the junior Senator from Oklahoma [Mr. GORE]. I was not in favor of it then, nor am I now, and I shall vote against it for the reason that it has struck me that here is a payment which if we make, as we are requested to do, will perhaps be building up another one of the claims against the Government, on the ground that there are rights belonging to unrepresented people, just rights which have been ignored, upon which they may hereafter be entitled to found a claim, and the Government and the people of the United States will have to pay this money over again. The fair thing to do will be to first ascertain the standing of all these people, without prejudice to anyone, and pay them what belongs to them.

These great claims which the Government is having to pay and these large attorneys' fees which are being collected are all founded upon mistakes in legislation, due to the fact that Congress passes measures without knowledge of the circumstances.

I may be mistaken, and it may be that the Mississippi Choctaws are not entitled to a cent of this money, yet that has not been clearly demonstrated; and until it is, it seems to me, it is our duty, as independent, unprejudiced representatives of both classes of these claimants, to refrain from making appropriations out of a fund which will be diminished and thereby perhaps deprive honest claimants of their share in the same.

I felt that, in justice to myself and the Senate, I should say that much.

Mr. GORE. Mr. President, I shall impose on the patience of the Senate but one moment longer. I appreciate the importance of those who are engaged in a controversy of this sort to use the same word in the same sense. Otherwise no discussion can proceed intelligently. When I use the term "Mississippi Choctaws" generally, I mean the Choctaw Indians who did not remove to Oklahoma under the treaty of 1830, but who remained in the State of Mississippi and whose descendants are in Mississippi to-day, or in some other State than the State of Oklahoma.

Now, that is what I mean when I use the term "Mississippi Choctaw." When I allude to the allotment of lands to the head of a family under the treaty of 1830, I mean the Mississippi Choctaws who remained in the State of Mississippi. When I speak of the issuance of land scrip to the Mississippi Choctaws, I mean to the Choctaws who remained in the State of Mississippi. When I speak of the distribution of these moneys under the act of 1852 to the Mississippi Choctaws, I mean the red men of that tribe who remained in the State of Mississippi.

Now, then, there is one use of the term which is rather misleading. Under judgments liquidated and distributed in 1880, \$417,000 went to the Mississippi Choctaws. Those Mississippi Choctaws did live in the State of Oklahoma, but they received \$417,000 on the ground that they were Mississippi Choctaws, and it was money that the Oklahoma Choctaws otherwise would have received.

That is my definition of the term "Mississippi Choctaws." I received a letter yesterday from a man in New York stating that his father was a Choctaw, living in Mississippi in 1830, and that he ought to be allowed to head in on Senator WILLIAMS's amendment. I have been told, though I can not vouch for the statement, that some 40,000 claimants would protest, if this amendment were passed, that they ought to be allowed to share in the tribal estates of the Oklahoma Choctaws.

There is one other point. The Senator from Mississippi says that the treaties were made and these laws were passed with reference to the Oklahoma Choctaws, and that the Mississippi Choctaws remaining in Mississippi were never consulted. That is entirely true. The Government of the United States never has since 1830 treated the Mississippi Choctaws living in Mississippi as members of the Choctaw Tribe. The Government of the United States negotiated a treaty with the Choctaw Tribe of Indians in 1855. That was with the Choctaw Nation living in Oklahoma. Of course, the Mississippi Choctaws were not taken into account, because the Government did not treat them as Choctaws until and unless they removed. The Government of the United States negotiated a treaty in 1866 with the Choctaw Tribe living in Oklahoma. The General Government took no account of the Choctaws living in Mississippi. It did not consider them as members of the tribe. They are Choctaw Indians, but they are not citizens of the tribe.

Mr. WILLIAMS. If the Senator will pardon me a moment, how can he say that, in view of the fact that the fourteenth article of the Dancing Rabbit treaty of 1830 expressly provided that they should have the privilege of citizenship of the Choctaw Nation?

Mr. GORE. That is true; but plainly that they should remove to Oklahoma in order to enjoy those privileges.

Mr. WILLIAMS. On the contrary, the fourteenth article refers only to those Choctaws remaining in Mississippi, and it is to them that the privileges of Choctaw citizenship are guaranteed.

Mr. GORE. It says these particular Choctaw citizens shall not be deprived; but if they remove, they shall not be allowed to share in the annuities.

Mr. WILLIAMS. That is right.

Mr. GORE. The annuities accrued to those who went at the time, and if these Mississippi Choctaws decided to go later and avail themselves of the privileges of Choctaw citizens they could not have the annuities; but, of course, they should have the land and the other rights which accrued to the citizenship of the tribe.

Mr. WILLIAMS. In other words, the fourteenth article gave them all the privileges of Choctaw citizenship, with this proviso, that if afterwards any of the Indians so designated desired to remove to Oklahoma, then they should not get their share of the annuities; it was to be payable only to those who had removed.

Mr. GORE. Who went at the time.

Mr. WILLIAMS. In every other respect they were citizens of the Choctaw Tribe.

Mr. GORE. Certainly. If they should go to the Oklahoma country, they were denied the right to share in the annuities; but they should have a share of the land and the other property. The purpose was to urge them out of Mississippi. It was a lure held up before their eyes, to get them to leave Mississippi, notwithstanding they should also in the first instance take land, and that in case they did subsequently go they should share all the rights, privileges, and property of the Choctaw Tribe.

Mr. WILLIAMS. If the Senator will pardon one more interruption, I will not bother him any more. The Senator himself is a Mississippian and he knows that, although these people were promised a certain section of land and all that sort of thing, under Ward's administration and subsequent administration, except as to those who went to Oklahoma, very few, indeed, of them ever received anything. Certain chiefs and subchiefs were mentioned in the treaty.

Mr. GORE. There were 1,142 families, I think, if the Senator will pardon me.

Mr. WILLIAMS. I was going to say that certain chiefs and subchiefs were mentioned in the treaty. We know how that always occurs. The chiefs and subchiefs have influence with the tribe to get them to agree to a treaty. Those mentioned in that treaty did receive their land. I have forgotten how many Ward issued patents to, but only a little over 100.

Mr. GORE. I think less than 100.

Mr. WILLIAMS. Although the treaty did say they should receive the land in Mississippi, as a matter of fact they did not receive it, except a few people, less than a hundred in number; that is, those named in the treaty—the chiefs and subchiefs to whom the *douceur* went.

Mr. GORE. It is true that under Mr. Ward's superintendency, I think, less than 100 received land. That was in 1836 and 1837; but in 1842, in order to rectify his misconduct, a commission went down and enrolled 1,142, representing some 4,000 Indians, who received either land or land scrip or money, representing in all a million acres of land.

Mr. WILLIAMS. They did not stay in Mississippi.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Georgia [Mr. WEST] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can secure a transfer I shall refrain from voting.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOR]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). I voted, but I neglected to announce my general pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the junior Senator from Michigan [Mr. TOWNSEND].

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. THOMAS. I am informed that the Senator from New York [Mr. ROOR], with whom I am paired, and myself are in accord on this question. I will therefore vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. POMERENE. The senior Senator from West Virginia [Mr. CHILTON] is detained from the Chamber on official business. I was requested to announce that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. OWEN (after having voted in the negative). I wish to inquire whether the Senator from Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I then transfer my pair with that Senator to the Senator from Indiana [Mr. SHIVELY] and allow my vote to stand.

Mr. BANKHEAD. I wish to transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

The result was announced—yeas 33, nays 21, as follows:

#### YEAS—33.

Bankhead	Martin, Va.	Ransdell	Thornton
Borah	Martine, N. J.	Sherman	Tillman
Bristow	Nelson	Shields	Vardaman
Chamberlain	Norris	Smith, Ariz.	Weeks
Crawford	Oliver	Smoot	Williams
Cummins	Overman	Sterling	Works
Dillingham	Page	Sutherland	
Jones	Penrose	Swanson	
Lane	Perkins	Thomas	

#### NAYS—21.

Ashurst	James	Owen	Simmons
Bryan	Lee, Md.	Polindexter	Thompson
Camden	Lewis	Pomerene	White
Clarke, Ark.	McCumber	Robinson	
Gore	Myers	Shafroth	
Hughes	Newlands	Sheppard	

#### NOT VOTING—42.

Brady	Fall	Lea, Tenn.	Smith, Md.
Brandeggee	Fletcher	Lippitt	Smith, Mich.
Burleigh	Gallinger	Lodge	Smith, S. C.
Burton	Goff	McLean	Stephenson
Catron	Gronna	O'Gorman	Stone
Chilton	Hitchcock	Pittman	Townsend
Clapp	Hollis	Reed	Walsh
Clark, Wyo.	Johnson	Root	Warren
Colt	Kenyon	Saulsbury	West
Culberson	Kern	Shively	
du Pont	La Follette	Smith, Ga.	

So the amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

Mr. OWEN. I move to strike out from the committee amendment the Choctaw Indians, and with it the amendment proposed by the Senator from Mississippi. This is now far more embarrassing to the State of Oklahoma. It will result in very great disorder. I make that motion with a view to eliminating these controverted questions at this time. That will omit the payment to the Choctaws and omit, therefore, the amendment of the Senator from Mississippi.

Mr. WILLIAMS. My amendment as it is worded does not embarrass the Chickasaws at all.



Mr. OWEN. The Senator misunderstood my observation. I move to strike out the term "Choctaws," so as to omit the Choctaws entirely, and with it to omit the amendment of the Senator from Mississippi, which the Senator from Mississippi thought necessary. That would leave the Chickasaws and Cherokees who were not in this controversy to receive the per capita and leave the Choctaws without any action. It is much better to do that, because this matter may involve the United States in very great loss.

Mr. WILLIAMS. If the committee amendment as it was adopted stands, and if my amendment to the committee amendment as adopted stands, it does not interfere at all with the distribution to the Chickasaws, because the amendment reads:

*Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined—*

*And so forth.*

The Chickasaws will receive their distribution under it as amended, and it is useless to try to make the point that they will be in any degree embarrassed. My amendment does not refer to them in the slightest degree. It says only that the distribution shall not be made to the Choctaws until Congress shall have had, and so forth. The Senator, in other words, would rather get rid of the distribution to the Choctaws in Oklahoma of \$100 per capita than to see an opportunity given to the Mississippi Choctaws to have Congress right their wrongs. I am not going that far. I want the Choctaws in Oklahoma to have their distribution, and I want them to have it whenever Congress shall have determined the rights of the Mississippi Choctaws. I am not willing to see adopted the motion now made by the Senator from Oklahoma to strike out the Choctaws in Oklahoma, because I have secured an amendment squinting at giving rights to the Choctaws in Mississippi, and thereby punish the Choctaws in Oklahoma because the Senate has adopted my amendment. The amendment as passed does not affect the Chickasaws at all; it does not affect any tribe of the Five Civilized Tribes except the Choctaws in Oklahoma.

Mr. OWEN. That is why I have moved to strike it out, Mr. President.

Mr. WILLIAMS. Yes; but the Senator, in saying that, went on to say something about leaving it free to be distributed to the Chickasaws. It is free to be distributed to the Chickasaws now, but I do not want the Choctaws in Oklahoma punished because the Senator has seen fit to try to do justice to the Choctaws in Mississippi. I hope the amendment offered by the Senator from Oklahoma will not be adopted.

Mr. OWEN. Mr. President, I insist upon the amendment to strike out of this per capita payment the Choctaws, and to strike out with it all the amendment which the Senator from Mississippi seems to insist upon so urgently. In that way it will leave the payment to the Chickasaws and Cherokees unembarrassed by this controversy over the Choctaw question.

Mr. WILLIAMS. There I want to make a point of order that, in so far as the Senator's amendment is to strike out my amendment to the amendment, it is not in order, because it is precisely the same question which was voted upon by the Senate a moment ago.

The VICE PRESIDENT. As to that part of the amendment the Chair would be compelled to sustain the point of order. There is no way now known to parliamentary law to get rid of this amendment except to reconsider the vote whereby it was adopted.

Mr. OWEN. Mr. President, I move that the Senate reconsider the vote whereby the amendment to the amendment was adopted.

The VICE PRESIDENT. The question is on the reconsideration of the vote whereby what the Chair calls the Williams amendment was adopted.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is that in order at this stage? It was moved to reconsider the vote by which the amendment was agreed to in Committee of the Whole and a separate vote was called for upon it in the Senate. That presents the same question over again. I merely put that inquiry to the Chair.

The VICE PRESIDENT. The Chair holds that a motion to reconsider the vote whereby the amendment was adopted is in order.

Mr. WILLIAMS. Very well.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. WILLIAMS. In order to have a full Senate present, I suggest the absence of a quorum. A good many Senators have left the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Lane	Perkins	Smoot
Bankhead	Lee, Md.	Pittman	Sterling
Bryan	McCumber	Poinceter	Sutherland
Burleigh	Martine, N. J.	Ransdell	Thomas
Camden	Myers	Robinson	Thompson
Chamberlain	Nelson	Shafroth	Thornton
Clapp	Newlands	Sheppard	Vardaman
Clarke, Ark.	Norris	Sherman	Weeks
Crawford	Oliver	Shields	White
Gore	Overman	Simmons	Williams
Hughes	Owen	Smith, Ariz.	Works
James	Page	Smith, Ga.	
Jones	Penrose	Smith, Mich.	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. I only ask for a viva voce vote, and will not detain the Senate.

Mr. WILLIAMS. I make the point of order that the Senator from Oklahoma having voted against the proposition on the last roll call can not now move to reconsider.

Mr. OWEN. I withdraw my motion.

The VICE PRESIDENT. The question is, then, Will the Senate concur in the amendment as amended in Committee of the Whole?

The amendment as amended was concurred in.

Mr. GORE. Mr. President, following the amendment of the Senator from Mississippi I send to the desk an amendment, the adoption of which I now move. I think it will be accepted by the chairman of the committee and also by the Senator from Mississippi.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Followed the amendment of Mr. WILLIAMS it is proposed to insert the following:

Unless the consent of the United States shall have previously been given, all contracts made with any person, or persons, now or hereafter applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine of not exceeding \$500 or imprisonment for not exceeding six months, or both, and lands allotted to such applicants, whether Indians or freedmen, shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under the laws of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. WHITE. Mr. President, I notice from the reading of the amendment that it says certain acts shall "comprise an offense." I suggest that the word "constitute" be substituted for the word "comprise."

Mr. GORE. I ask that the amendment be modified in that way.

The VICE PRESIDENT. Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment.

Mr. GORE. I gave notice of another amendment which I would present. It is an amendment which I tendered, as in Committee of the Whole, in relation to the extension of certain payments. I now move the adoption of the amendment in the Senate.

Mr. WILLIAMS. Let us hear the amendment, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the proper place in the bill it is proposed to insert:

The Secretary of the Interior is authorized in his discretion to grant a further extension or extensions of time on the payments described in the act entitled "An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma," approved April 27, 1912: *Provided, That accrued and unpaid interest shall be treated as principal; Provided further, That no payment shall be deferred beyond the time prescribed in the act herein cited and no forfeiture of entry shall be declared except for fraud, and all entries heretofore canceled except for fraud may be reinstated without prejudice.*

Mr. ASHURST. Mr. President, so far as I am concerned as the chairman of the committee, I have no objection to the amendment, provided the last sentence is stricken therefrom, following the word "fraud." I do not think it would be fit and proper for the Senate at this time, without further consideration, to revive any claim that has been canceled. I do not know what my future judgment on the question might be, but at this particular time I must insist that lines 2 and 3 on page 2 of the printed amendment be eliminated. I move, therefore, to strike

out the words "and all entries heretofore canceled except for fraud may be reinstated without prejudice."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment of the Senator from Oklahoma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert in the proper place in the bill the following:

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and the supplemental agreement of June 30, 1902, and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of \$1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of \$1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments up to the treaty standard value of allotments of \$1,040. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified and prosecuted by the national attorney for the Creek Nation.

Mr. LANE. Mr. President, I should like to ask the Senator if this matter has been considered by the committee or whether it is a new proposition?

Mr. OWEN. Yes; it was considered by the committee and was favorably reported; but as reported it involved some other things. I have a right to offer it in the Senate. I have stricken out the latter part of it and so modified it as to still give the right to these people to be heard in court.

Mr. SMOOT. I notice that this is virtually an amendment that was considered when the bill was before the Senate as in Committee of the Whole. I want to ask the Senator if he reserved the right to offer this amendment in the Senate?

Mr. OWEN. I do not remember as to what the RECORD shows as to that.

Mr. SMOOT. I hardly think the Senator made the reservation.

Mr. OWEN. It is not the same amendment. The amendment that was considered as in Committee of the Whole involved a boundary line of the Creek Nation. That is not in this amendment at all. It also involved certain fees to attorneys, and that is stricken out.

Mr. SMOOT. I noticed the amendment and followed it and I see that all that was in this amendment was in the amendment that was considered when the bill was in Committee of the Whole.

Mr. OWEN. Yes; it is a part—

Mr. SMOOT. And therefore the Senator, to be well within his rights, should have reserved the amendment to offer in the Senate; and if he did not reserve that right then, it is out of order to offer it at this time.

Mr. OWEN. I do not recall whether I did reserve the right or not, but it is not the same amendment. It strikes out the question relating to the boundary line and deals only with the right of these individuals to the equalization of funds; that is all.

Mr. SMOOT. But the amendment is not offered as an amendment to any part of the House bill. Of course the Senator would have a perfect right to do that. This is an amendment of itself, a new subject matter entirely; and, as I state, unless the Senator reserved the right to offer it when the bill was in the Senate, it is clearly out of order at this time, and, as I remember, there was no reservation made by the Senator from Oklahoma.

The VICE PRESIDENT. The Chair understands that this went out on a point of order.

Mr. OWEN. This was involved in that which did go out on a point of order.

The VICE PRESIDENT. Yes; on a point of order. If it went out in the Committee of the Whole on a point of order, the Chair does not well see how it could be reserved for consideration in the Senate, and the Chair thinks that the bill is open to amendment in the Senate.

Mr. OWEN. I offered this form of the amendment in the Committee of the Whole, and withdrew it because I thought the Senator from Oregon [Mr. LANE] was going to make a point of order on it. I afterwards learned that I was mistaken as to his purpose, and he did not make the point of order on it; but I withdrew it, thinking he was going to do so.

Mr. LANE. I do not remember it that way, Mr. President. If my memory serves me right, I did make the point of order

against this particular item, and the Senator refers to another item which followed afterwards. If this is just, I have no objection at all to it.

The VICE PRESIDENT. This amendment is now offered to the House text of the bill.

Mr. OWEN. I think it is open to a point of order, if any Senator desires to make it. I hope it will not be made, because these people ought to be allowed to have their day, which they have not had.

Mr. LANE. Not knowing what the circumstances are, and yet having become rather gun shy of a good many of these amendments, I will not make any objection to it, but will give it an opportunity.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 43, line 20, after the word "expended," it is proposed to insert:

*Provided*, That not to exceed \$100,000 shall be expended under this appropriation unless the Attorney General of the United States shall, after submission to him by the Secretary of the Interior of a request for an opinion, hold affirmatively that in his opinion the Indians, under existing law, are protected and confirmed in their water rights.

Mr. ROBINSON. Mr. President, the amendment is intended to safeguard the water rights of the Indians on this reservation. The Committee on Indian Affairs of the Senate reported a provision which was also intended for that purpose, but the provision went out on a point of order. After much discussion an amendment which I offered on a previous occasion was defeated. That amendment contemplated that the State of Montana should be called upon to protect the water rights of these Indians before this appropriation was fully expended. That amendment was defeated on yesterday.

This amendment merely requires that before the total appropriation shall be expended the opinion of the Attorney General must be obtained by the Secretary of the Interior to the effect that the water rights of these Indians are confirmed and protected. It contemplates that \$100,000 of the appropriation may be expended before that requirement is met.

I do not know that I can add anything to what has been said heretofore concerning the necessity of taking some precaution to prevent the benefits of these expenditures of Indian money accruing in the end to white persons. This is certainly an amendment which anyone who wants the rights of the Indians protected might agree to. It merely contemplates that before the greater part of the appropriation shall be expended the opinion of the Attorney General shall be obtained that the benefits will accrue to the Indians.

I submit the matter to the Senate now for such action as it desires to take. I wish to say to the Senate, however, that there is a day of reckoning coming. We can not continue to expend Indian moneys for the benefit of white settlers, and we can not wisely continue to construct these irrigation works without safeguarding the rights of the Indians and seeing that they secure at least a reasonable part of the benefits arising from the appropriations which are made out of their funds.

Mr. MYERS. Mr. President, I think the amendment is unreasonable, illogical, and inconsistent. This is another onslaught on the Flathead reclamation project, which was authorized by this Government 8 or 10 years ago, and no objection was ever made to it until this year. No complaint has ever been made. According to the amendment, if the Attorney General should decide that the rights of the Indians are not properly safeguarded, we are going to throw away \$100,000 and spend it without warrant or justification.

Mr. ROBINSON. Yes; but we are going to save the balance of the \$4,000,000 which the Senator said yesterday would be necessary to complete the construction of these works.

Mr. MYERS. If this is wrong, then the \$100,000 should not be expended.

Mr. ROBINSON. If the Senator objects to that feature of the amendment, I will strike out the provision in regard to the \$100,000 and modify it so that it will provide that no part of the appropriation shall be expended until the opinion of the Attorney General has been obtained.

Mr. MYERS. The Senator may modify it in any way he wishes, but I am opposed to it as an onslaught on this reclamation project, which has been authorized by the Government, which has been prosecuted in good faith, which is for the benefit of the Indians as well as the whites; and the Indians are getting their benefits out of it. They were allotted their lands first. They had the choice of the land, and they took the best land. That land, in 80-acre tracts, is of no value to the Indians



unless they can get water on it. The allotment has already taken place. The Indians have given up their tribal rights to the land willingly and voluntarily, and have taken 80-acre allotments. As long as water is not put on those 80-acre allotments they are of no benefit to the Indians. The sooner this project is completed, and the more money that is appropriated for it, and the more rapidly it is prosecuted, the sooner the Indians will get water on their lands and be where they can be self-sustaining. If this is cut off now, they are simply up in the air. They can not get their land back, and they can not get their water, and they will be where they will have nothing.

If this is not a good project, it should have been determined long ago; and if they want to stop it now, they will have to throw away over a million dollars which has been already spent on it. This should be an outright appropriation, as has always been the case, or none at all. I want to say that this is a project where there never has been a complaint lodged by a Flathead Indian that he was not getting his right.

Mr. ROBINSON. Mr. President—

Mr. MYERS. I have never had any complaint, and the committee has never had any, so far as I know.

Mr. ROBINSON. Will the Senator from Montana yield to me?

Mr. MYERS. Certainly.

Mr. ROBINSON. I stated yesterday, in reply to a similar statement from the Senator from Montana, that a number of complaints had been made to the Joint Commission to Investigate Indian Affairs. My memory as to the testimony that has been already submitted is not perhaps entirely complete, but I do recall that some testimony was submitted to the effect that the Indians are deprived of any water under this reclamation project until about the 1st of July; that they never get water for their crops until the white settlers have had all the water they want; and that complaint is quite general among the Indians.

That statement was made to me by an Indian who is in the gallery now. It was made to me on yesterday. The testimony, I think, was offered before the joint commission some months ago. The Senator from Oregon [Mr. LANE] is present now and was present when that testimony was offered. The condition which exists on the Flathead Reservation is not different from the condition that prevails on many other reservations where large amounts of money have been already expended, and where much larger amounts must be expended before the works are complete.

I do not like to introduce any amendment here which is objectionable to my friend from Montana; but I am discharging what I believe to be a duty as a Member of this body, and a duty to the Indians of the United States, and that is to see that when we expend large sums of their money we take some precaution to require that the expenditures shall result in benefits to them.

Mr. MYERS. Mr. President, I never heard of any such complaint. At any rate, it has not been made to the Senate Committee on Indian Affairs. If there is any complaint, however, that the Indians do not get their water until the 1st of July, neither this amendment nor any other amendment like it would remedy the situation. That is a matter of which complaint should be made to the Interior Department, to the authorities of the Reclamation Service in charge of this project.

If that is the case, it is in the power of the Secretary of the Interior or the Commissioner of Indian Affairs or the engineer in charge of the Reclamation Service to remedy it. It is something that Congress can not remedy. This amendment would not reach that. If they do not get their water before the 1st of July this amendment would not touch any such complaint. That would be the fault of the Reclamation Service; and if proper complaint is shown and proper proof is made, I believe the chief engineer or the Indian Commissioner, or even the Secretary of the Interior, would investigate and give attention to it and cause it to be remedied.

This amendment, however, is radically wrong. There is no justification for it. No complaint has ever been lodged before Congress or before the Committee on Indian Affairs that would justify it, and I hope it will be defeated.

Mr. SUTHERLAND. Mr. President, of the series of amendments that have been proposed with reference to these water projects, I think perhaps this is the most remarkable of all.

Under the law of Montana, as under the law of all the arid States, before anybody can acquire a right to water certain things must be done. There must, first of all, be notice of appropriation. That, I understand, has been given by the Interior Department in these cases. Following the notice, the works which are intended to divert the water must be constructed, and following the construction of the works there must be an application of the water to the land for a beneficial use.

Every one of those steps must be taken before these Indians or anybody else can acquire any right to the water for irrigation purposes in the State of Montana or in any of these other States; so it would be an impossible thing for the Attorney General to find that these Indians have any present right. Whatever rights they have are inchoate in character. They have simply given notice and have begun the preliminary work of constructing these irrigation works. If this appropriation is withheld, or subsequent appropriations are withheld, and the works are never completed, of course the Indians can never acquire a right at all; so the Senator might as well move to strike the appropriation out of the bill altogether. The Attorney General can only reply, as I understand the law, that these Indians have taken the preliminary steps to acquire a water right, and that in order to protect their rights they must have the very appropriation which the Senator's amendment would withhold.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. Has the Senator read the testimony appearing on page 227 of the hearings before the Senate committee on the present bill? I will address the same question to the Senator from Montana.

Mr. SUTHERLAND. I have read some parts of the hearings. I have not read them all, by any means.

Mr. ROBINSON. Does the Senator know that these lands on the Flathead irrigation project are appraised at from four to seven dollars per acre, and that the white people are purchasing them at that amount? Does the Senator know that?

Mr. SUTHERLAND. I have not read that.

Mr. ROBINSON. I will state to the Senator that that is the undisputed fact, according to Mr. Newell. I want to read a little of the testimony that relates to this subject, to show the Senators just what will be the result of this appropriation if some provision is not made in the bill safeguarding the rights of the Indians.

Mr. SUTHERLAND. Mr. President, I am perfectly willing that the Senator shall read whatever he pleases to read, but no testimony could alter the situation. We are dealing not with a question of fact but with a question of law. If these Indians must comply with a State law in order to secure water rights, we can not alter that situation, whatever the facts may be, by any legislation on the part of Congress.

Mr. ROBINSON. Mr. President, if the situation is such that the Indians can not confirm their water rights, I do not think any Senator will want to go ahead and appropriate \$4,000,000 of money to complete this irrigation project, especially if it is known in advance that the benefits of it can not redound to the interest of the Indians. I think we ought to provide some safeguards, and that it is a part of the duty of the Senator from Utah, if he will permit me, as well as part of my duty, to see that while we are incurring all of these expenses on the part of the Indians they shall have some benefit out of this appropriation.

What is going to happen here is what has happened on a great many other reservations where these irrigation projects have been constructed and are being constructed. The circumstances under which the appropriations are made, and the character and condition of the Indians themselves, are such that they lose all rights to the lands; that after the project has been constructed the white people acquire them with the water rights, and the Indians go off of the reservation, and they have paid for substantial benefits which have in this way accrued to white persons.

What is there that is unreasonable about asking the Attorney General of the United States whether he thinks, if we go ahead and spend this Indian money, the Indians will get their water rights? Do you want to make the Indians pay \$4,000,000 more if you know in advance, or can ascertain in advance, that the white people are going to get all the benefit of it?

Mr. MYERS. No; I will say that I do not. They will get the water rights, however, and they are getting them, and there never has been a complaint that they were not getting them.

Mr. SUTHERLAND. Mr. President, I think I have the floor.

The VICE PRESIDENT. Yes; the Senator from Utah is entitled to the floor.

Mr. SUTHERLAND. I yielded to the Senator because I thought he desired to propound some interrogatory to me. Has the Senator something he desires to ask me?

Mr. ROBINSON. Yes. What is the objection of the Senator to providing that this appropriation shall not be expended if the Attorney General of the United States declares that in his opinion it will not accrue to the benefit of the Indians?

Mr. SUTHERLAND. Mr. President, the Senator evidently was not listening when I stated the objection a moment ago. It is that we know in advance what the Attorney General must say if he states the law, namely, that these Indians have no present right any more than a like number of white men similarly situated would have a present right. If a number of white men were expending this amount of money for the purpose of finally appropriating water under the laws of Montana, they would have to go ahead and make their investment of money and complete their appropriation under the law; and that is all the Attorney General can say. We know in advance what these Indians have to do in order to acquire this water right. They must complete this work, and if they complete the work and put the water which they have already taken the preliminary steps to appropriate to a beneficial use, then they have a prior right. If they do not do that, then they have no right. We can not give the Indians of Montana by some act of Congress a right to acquire water under the laws of Montana that the ordinary citizens of Montana would not have.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. We have the right to place any limitation we think is reasonable and right on the expenditure of the Indians' money?

Mr. SUTHERLAND. Yes, Mr. President.

Mr. ROBINSON. Does not the Senator from Utah think we ought to place such a limitation on the use of this money as will guarantee that the benefits of it shall accrue to the Indians?

Mr. SUTHERLAND. The Senator from Arkansas is wasting his time in asking me that question. If I thought we ought to pass this amendment, I would not be opposing it; I would be speaking in favor of it. I am saying all the time it is an amendment which ought not to be adopted, because it is an utterly meaningless and futile provision to put into the bill. It can not advance the cause of these Indians one bit.

If it be true that these Indians can not acquire any water rights in Montana, then of course we ought to make no appropriation for them; but we are proceeding upon the theory that the notice has been given; that all the preliminary steps which, if followed up, will ripen into a right have been taken; and in view of that we are making the appropriation. If we are mistaken about that, if they never can acquire any water right at all, then it follows we ought not to make the appropriation.

Mr. LANE. Mr. President, I am informed that these Indians never asked for this irrigation scheme and that they have protested against the expenditure of their money for this purpose; that they have been pressed into it by their guardians, and their land is being held for all of it, while they will receive but a fraction of the benefit. It is a great wrong that is being perpetrated on them. This may not be the way of correcting it, but it ought to be corrected, for the reason that if there is any justice this Government will have to repay these Indians for the money of which they are being defrauded.

Mr. SUTHERLAND. If the Senator feels that way about it he ought to be against this appropriation altogether.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. But it is proposed to attach to it a perfectly absurd and meaningless proviso, and that is what I am complaining about. I do not quarrel with the Senator if he thinks this is an unwise appropriation to make and chooses to vote against it.

Mr. LANE. It is wicked.

Mr. SUTHERLAND. Then the Senator ought to vote against it.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. I understood that the Senator had been in favor of it all the time.

The Attorney General can do no more than report that these Indians at the present moment have an inchoate right to this water, something which the Senate of the United States knows quite as well as the Attorney General, and that if they want to perfect the right and obtain the water for use upon their lands they must expend the money, complete the work, and put the water to a beneficial use. We know all that in advance just as well as if the Attorney General tells us.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WORKS. I am not familiar with the conditions supposed to be affected by this amendment. What does the Senator from Utah understand to be the present status of the Indian right of his claim to this water?

Mr. SUTHERLAND. I understand it to be this, and I ask the Senator from Montana to correct me if I am not stating it accurately: I understand that the Interior Department, com-

plying with the laws of the State of Montana, has posted the requisite notice that they intend to appropriate for the benefit of these Indian lands certain waters from certain streams; that following that notice they have begun the work of constructing whatever reservoirs or dams or canals are necessary in order to make the appropriation effectual. We have already expended some money in the way of doing that work. About \$1,000,000 I think has been appropriated. Now we propose by this item to appropriate additional money to go on with that work. The right of the Indians is the same as the right of the white men would be in that country.

Mr. WORKS. Has there been an actual diversion of the water?

Mr. SUTHERLAND. There has not yet been an actual diversion of the water, but when the works are completed and the water is applied to the land, then, in accordance with the universally recognized law of the arid region, their rights will relate back to the preliminary steps.

Mr. WORKS. Subject to any prior claims.

Mr. SUTHERLAND. Subject to any prior claims, but not subject to any intervening claims. If when this notice was given there was unappropriated water in these streams, the Indian rights will attach whenever they put the water to a beneficial use, provided it is done within a reasonable time.

Mr. WORKS. How are we going to determine whether their money ought to be expended for the purpose of prosecuting that work by any reference to the Attorney General?

Mr. SUTHERLAND. We can not. The Attorney General can reflect no light upon it. The Attorney General can tell us exactly what we know, that they must go ahead and complete their appropriations. We know that. If the Senate thinks it is unwise to expend money because the final appropriation and acquirement of right to the water is doubtful, then we would be justified in refusing the appropriation altogether. We are not justified in making the appropriation and asking the Attorney General for an opinion upon a matter of law which Senators from the arid-land States understand quite as well as the Attorney General.

Mr. ROBINSON. May I ask the Senator a question?

Mr. SUTHERLAND. I was about to yield the floor, but if the Senator desires to ask me a question I yield for that purpose.

Mr. ROBINSON. I will make a statement, and perhaps the Senator from Utah will either confirm it or correct me if it is erroneous.

This is a so-called Indian reclamation project; that is to say, it is being constructed at the expense of the Indians on the Flathead Reservation. The estimated cost of this improvement is \$6,000,000. The Assistant Commissioner of Indian Affairs testified before the House committee that in his opinion it ought not to be constructed as an Indian reclamation project at all, but it ought to be constructed as an ordinary reclamation project, and that the Indians ought to be required or permitted to pay their pro rata share of the cost of the project.

I refer to page 233 of the hearings already mentioned—the hearings before the House committee on this bill.

In the same testimony it appears that these lands belonging to the Indians sell for from \$4 to \$7 an acre, and after they are irrigated they are worth, according to the testimony of Mr. Newell, from \$100 to \$500 an acre. What is actually going on out there is this: The Indians are building a reclamation project; the lands which they own and which are embraced within the project are being sold at from \$4 to \$7 an acre; and their money is making these lands which are so sold worth, according to the testimony of Mr. Newell, \$100 to \$500 an acre, and they are getting practically no benefit from it.

Mr. MYERS. I should like to be permitted to remark at this point, if the Senator please, that from \$4 to \$7 an acre is all the lands are worth without any water. The water is all that makes the lands worth anything. Before water is put on them they are wholly unproductive to the Indian or anybody else. If it was not for this reclamation project they would all be worth but from \$4 to \$7 an acre.

Mr. ROBINSON. That is probably true; but here is a reclamation project being constructed against the protest of the Indians.

Mr. MYERS. I should like to ask the Senator where he got that statement. What proof has he of that?

Mr. ROBINSON. The statement was made by the Senator from Vermont [Mr. PAGE] in the hearings I have referred to before the Senate committee, that these Indians had objected, and the statement was repeated by other members of the committee.

Mr. MYERS. It is simply a statement of the Senator from Vermont; but what Indians have ever objected?



Mr. ROBINSON. The statement of any Senator is good for the Senator from Arkansas—the statement of the Senator from Vermont, as the statement of the Senator from Montana—but—

Mr. MYERS. If the Senator is informed of the fact, that is different; but if he merely renders an opinion, it may or may not be good.

Mr. LANE. I have heard that statement by Indians who lived near there, and I have heard that statement made before the committee. I understand that this suit which has been brought by the Conrad Investment Co. for taking the waters—

Mr. MYERS. I want to say, just to show how near right the Senator from Oregon is, that the Conrad Investment Co. is not on the Flathead Reservation; it is not within 400 miles. That is the Blackfeet Reservation.

Mr. LANE. It is the Blackfeet, I know.

Mr. MYERS. We are not discussing the Blackfeet; and now let us have the facts about the Flatheads.

Mr. LANE. That is what I am talking about. I am informed that some complaint exists among the Blackfeet.

Mr. MYERS. If the Blackfeet Indians are stating the troubles on the Flathead Reservation, all right.

Mr. LANE. Anyway, the fact remains that the Indian money is being expended and they are not receiving the benefits.

Mr. MYERS. They are getting all the money back.

Mr. LANE. He is not getting a proper hearing in the case, for the reason that the time is limited and we are giving him no means to buy implements to farm.

Mr. MYERS. There has never been a Flathead Indian who made a complaint that I am aware of. The Flathead Indians write me and send word here that they want this reclamation project hurried up and finished.

Mr. LANE. Then you have the Indians before the commissioner that was here. The Commissioner of Indian Affairs is sustained by the superintendent of the reclamation fund.

Mr. MYERS. If there are any Indians finding fault with this, I should like to have it read.

Mr. ROBINSON. Now, I will read some of the testimony to which I have referred on page 228 of the hearings. This question was asked by Senator LANE.

Mr. MYERS. Of whom?

Mr. ROBINSON. Of Mr. Newell:

Senator LANE. What is that appraised value?

Mr. NEWELL. Four dollars to \$7 an acre, I think. They did that with the knowledge and belief that those lands were to be irrigated in the way proposed by Congress. There are literally hundreds, if not thousands, of settlers living there believing thoroughly that Congress will construct a complete irrigation system, not only to the Indian lands, but to their lands, and we have had most pitiable requests, and such requests have doubtless come to you, to expedite the extension of those lands to take in more of the white lands.

Omitting part of the testimony:

Mr. NEWELL. My impression is, Senator, that the water appraisal becomes subject to the land—the cost of the water is appraised to the land irrigated.

Senator FALL. Then this appropriation should read: "One-half to be reimbursable." Instead of all reimbursable out of the Indian funds?

Mr. NEWELL. That is technical.

Senator FALL. That would be correct, would it not? It would relieve the Indians of the burden.

Senator LANE. What is this land worth after irrigation?

Mr. NEWELL. I would hardly dare to say. I suppose that irrigated and cultivated it is worth in alfalfa at least \$100 to \$150 an acre, and in fruit, \$500 an acre.

Senator LANE. And the Indians get \$4 an acre?

Mr. NEWELL. Raw land, before anything is done with it, \$4 to \$7 an acre.

Senator LANE. How much is raw land under a project like that worth, subject to irrigation?

Mr. NEWELL. With a reasonable certainty of getting water it is worth its full appraised value.

Senator LANE. \$4 an acre?

Mr. NEWELL. \$7 an acre. If you can not get water it will be worth practically nothing.

Senator LANE. But where you can get water?

Mr. NEWELL. If there is a reasonable certainty, or if contiguous to lands to which water has been supplied, I suppose the raw lands would be worth \$40 to \$50 an acre. I do not think you could buy them to-day for that.

On page 231:

Senator PAGE. Do you say to us that you fully justify the project or the methods under which it is conducted, the taking of the Indians' money for this great project and letting him take a chance of loss or gain hereafter?

Mr. NEWELL. I think he is taking no more chances—

Senator FALL. He is taking chances of loss and not of gain?

Senator MYERS. How is he taking any chance?

Senator PAGE. He has often protested against it.

Mr. NEWELL. I beg pardon, I never heard of any protest.

Mr. MYERS. I should like to know just where that comes from that the Flathead Indians have often protested. I should like to see one protest.

Mr. ROBINSON. I am reading the statement of Senators.

Mr. MYERS. The Senator from Vermont says it.

Mr. ROBINSON (reading):

Senator LANE. Oh, yes.

Senator PAGE. We have heard protests here within a week.

Mr. NEWELL. Was he really a representative of his people?

Senator PAGE. He said they do not like to have their property there encumbered by these large mortgages without being conferred with; without being consulted. It seems to me they ought to be consulted at least before we mortgage their lands as heavily as they are mortgaged now.

Mr. MYERS. I should like to say at this point, if the Senator will permit me, that there were a lot of Blackfeet Indians down here this spring hanging around the committee rooms all the time, but if there was a Flathead Indian in the city of Washington this year I never heard of it and I never met him.

Mr. ROBINSON. It does not matter whether there was a Flathead Indian in the city of Washington or not.

Mr. MYERS. I think they were Blackfeet Indians who were making these complaints.

Mr. ROBINSON. A great many delegations of Indians have come here, some regularly authorized representatives and some not, but the fact of the matter is that in view of this record it is difficult to justify the construction of this reclamation project at the expense of the Indians. It means the expenditure before it is completed of \$6,000,000.

Now, supporting that statement, I take the testimony of Assistant Commissioner Meritt on page 232 and following:

Mr. MERITT. This Flathead irrigation project is a very large project that is being constructed by the Reclamation Service under contract with the Secretary of the Interior. This project, when completed, will irrigate about 150,000 acres of land.

Senator FALL. That is, the Reclamation Service does the work and the Indian Service pays for it?

Mr. MERITT. Yes, sir; out of appropriations provided by Congress. When this project is completed it will irrigate about 75,000 acres of Indian land and about 75,000 acres of white land.

Now, listen:

The method of financing this project is as follows: Congress makes appropriations out of the Treasury for the construction of this project to be reimbursed out of the funds of the Indians.

Listen. Seventy-five thousand acres of the white man's land and 75,000 acres of the Indians' land, and every dollar that is being expended to construct this work, both for the whites and for the Indians, is being reimbursed in the first instance out of the Indians' fund. Of course, if it proves profitable, it will be reimbursed to the Indians in the end, in so far as the white lands are concerned.

Mr. MYERS. I will say to the Senator there can be no doubt about its being profitable. According to the testimony produced there, water put on the land makes it worth from \$100 to \$150 an acre. There can not be any doubt about its being profitable.

Mr. ROBINSON. Yes; but the Indians do not get the water.

Mr. MYERS. There is nothing to prevent them from getting their share of water.

Mr. ROBINSON. Just a minute. Under this process of constructing at the expense of the Indians an irrigation project to water the white land and the Indian land, I make the statement that it is my conviction that, while the Indians are paying the entire expense of it, the whites are getting practically the entire benefit of it.

Now, that is not a new condition. It has occurred time and time again before. I expect to submit hereafter some further statements—

Mr. MYERS. Allow me just to submit this statement.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON. I take great pleasure in yielding to the Senator from California.

Mr. WORKS. As I understand this amendment, it simply allows the Government to expend \$100,000 without determining whether the Indians have any rights or not, and after that amount of money is expended we should stop there and get an opinion from the Attorney General as to whether the Indians have any rights or not. What I should like to ask the Senator is whether the inquiry should not be made before we spend the \$100,000?

Mr. ROBINSON. I think it should, Mr. President. The same suggestion was made by the Senator from Montana. I shall ask leave to so modify my amendment that no part of this appropriation shall be expended until the chief law officer of the Government says that in his opinion it will accrue to the benefit of the people who pay for it. It is a question of honesty; a question of fairness. I accept the suggestion of the Senator from California.

The PRESIDENT pro tempore. The Senator from Arkansas modifies the amendment proposed by him by striking out the limitation.

Mr. ROBINSON. So as to read as follows: "That no part of this appropriation shall be expended," and so forth, "until," and so forth.

Mr. WORKS. I am quite anxious myself to protect any rights that the Indians have in this water. In that respect I sympathize entirely with the Senator from Arkansas. I think it is going to be a very difficult matter, however, I suggest to the Senator, for the Attorney General to determine the rights of these Indians in waters of the stream in advance, as has been suggested by the Senator from Utah [Mr. SUTHERLAND]. Certainly the authorities dealing with this question should have determined that matter at the time of the initiation of these proceedings, and unless there was water there to be appropriated and proper steps were being taken to that end, the Government should never have expended any money at all. I do not know how much money has been expended there.

Mr. SUTHERLAND. A million dollars.

Mr. WORKS. The Senator from Utah says there has been a million dollars expended on that project. Now that we have spent a million dollars we are talking about stopping here to inquire whether the Indians have any rights in the stream. That is rather a singular condition of things as suggested to my mind.

Mr. ROBINSON. Of course, when that is disclosed it seems to anyone unaccountable that Congress should contemplate spending approximately \$5,000,000 more on this project; and it occurs to me, even if we did begin this project without due consideration, before we expend this \$5,000,000 of somebody else's money that we are trustees for, and under a sacred obligation to spend for their benefit, we ought to first find out that they are going to get the benefit of it.

Now, then, to show you that this is not a mere fancy upon my part, this is the opinion of representatives of the Bureau of Indian Affairs. The assistant commissioner testified on page 233 as follows:

Senator MYERS. At this point I will ask, was \$4 or \$5 an acre all the raw land without any water on it was worth? What do you think about that?

Mr. MERITT. If the project is to be financed entirely out of Indian funds I believe it is an injustice to the Indians; that they should get the benefit of the increased value that their money adds to this land, because their money is providing the funds with which to construct the irrigation project and the irrigation project increases the value of the raw lands from \$4 to \$5 an acre to something like \$50 an acre. This situation can not be justified from the Indian standpoint for another reason.

I ask the attention of the Senator from Utah to this statement:

This situation can not be justified from the Indian standpoint for another reason. The Government is advancing the Indian funds to construct an irrigation project and absorbing all the money that they derive from the sale of their land and timber to reimburse the Government for the money advanced. These Indians have been allotted irrigable land; they are without funds with which to make use of the land that has already been allotted to them simply because those funds have to go back into the Treasury to reimburse the Government for the construction of this irrigation project.

This project will cost, when completed, approximately \$6,000,000. The Indians of that reservation have ample resources to guarantee to the Government this amount. It is estimated they have resources amounting to more than \$13,000,000, but those resources should not be used, in our judgment, in this way.

I believe, and I think the Commissioner of Indian Affairs believes, that this project should be constructed not as an Indian project, but as a reclamation project and permit the Indians to pay their pro rata share of the cost of this project.

Now, we have the case of a doubtful project, according to this testimony, constructed entirely at the Indian's expense, that is reimbursable out of the Indian fund, watering in equal amounts Indian lands and lands belonging to white settlers, 75,000 acres of each class. Why not at least require that one-half of the expense of the construction work shall be paid for out of the reclamation fund and the half which is required to water the Indian lands out of the Indian funds, to be reimbursable?

Mr. MYERS. I should like to answer the Senator's question at this juncture.

Mr. ROBINSON. I take pleasure in yielding to the Senator.

Mr. MYERS. It is because the demand on the reclamation fund for projects now under way is so very great and so pressing that the Reclamation Service claims that it has need for all the money in the reclamation fund and more for projects already started and now under headway, and because, in the opinion of everybody who has investigated this proposition, except Mr. Meritt, this project on the present basis is absolutely safe to the Indians, and they take no chances whatever. The land is there as security for the money. The land is worth all that it is necessary to bring to reimburse the Indians. It would be hard to get the Government to put this under the expenditures of the Reclamation Service, when the Reclamation Service is already hard pressed for funds and when, in the

opinion of everybody else who has ever investigated it, it is a sound and safe business proposition on a legitimate basis. The land is worth the money, and if we just go ahead with the project, instead of abandoning it, the Indians will get their money; and they are not complaining. That answers the question.

Mr. LANE. I should like to make just one interjection right there.

Mr. THOMAS. Mr. President—

The PRESIDENT pro tempore. To whom does the Senator from Arkansas yield?

Mr. ROBINSON. I yield first to the Senator from Oregon.

Mr. LANE. You can get at the outside \$7 an acre for the land, and it will be resold for about \$40.

Mr. ROBINSON. But when you take into consideration the fact that the Indian is advancing the funds which according to the undisputed testimony of Mr. Newell will make the land worth from \$50 to \$500 an acre, why should not the Indian be entitled to the increase in value which the use of his funds brings to the lands?

Mr. MYERS. Then, when a man buys a raw product and pays all the raw product is worth and it is manufactured into a superior article, he should also pay for the increased value of the manufacture.

Mr. ROBINSON. I think the illustration of the Senator from Montana is an unfortunate one for him. If the owner of the raw product furnishes the factory and the labor to manufacture the raw material into the manufactured product, I insist that he ought to have the benefits of the increased value of the manufactured product.

Mr. MYERS. The Government of the United States is furnishing to the Indians the raw land. The Indian furnishes nothing.

Mr. ROBINSON. That statement is technically right. The Government first advances the fund and the Indian reimburses it.

Mr. MYERS. The Government of the United States is furnishing the water, and that is what makes the increased value.

Mr. ROBINSON. But the Government of the United States can not furnish water, unless the Senator from Montana has come to my contention that under some circumstances the Government furnishes water.

Mr. MYERS. By appropriation.

Mr. ROBINSON. I now yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say, Mr. President, in view of the explanation given by the Senator from Montana [Mr. MYERS] of the reason why the reclamation fund should not be used for the purpose of paying the white man's share of this reservoir construction, that the embarrassments are largely due to what I consider the unlawful diversion of \$10,000,000 of money from the reclamation fund for the purpose of constructing a dam and reservoir in the southern part of New Mexico with which to reclaim less than 14,000 acres of public land and 180,000 acres of land in all, a large portion of which is for the citizens of the Republic of Mexico.

Mr. MYERS. Of course I can not help that, Mr. President.

Mr. ROBINSON. Supplementing what the Senator from Colorado [Mr. THOMAS] has suggested, I will say that I do not think the Indians on the Flathead Reservation or on any other reservation should be the victims of a mistake in our general reclamation policy.

Mr. THOMAS. I fully concur with that opinion of the Senator from Arkansas.

Mr. ROBINSON. Now, Mr. President, I think it is entirely competent and proper before expending this sum, since there is a dispute about it, that Congress ascertain in the best way that it can whether this will redound to the benefit of the people who are to pay for it. There can be no objection to this amendment on the part of anybody who wants to make certain that the Indian will get the benefits which arise from the expenditure of his funds. I submit this question, Mr. President, for the action of the Senate.

Mr. WORKS. I should like to ask the Senator from Arkansas, before he takes his seat, whether he has investigated or knows in any way to what extent the Indians take advantage of the right they have to use water for irrigation purposes; that is to say, to what extent they have become farmers or husbandmen and really use the water that is at hand and belongs to them?

Mr. ROBINSON. Mr. President, that is a very important question, and it has been my duty, in connection with others, to look into that somewhat extensively. The Indian is very slow to avail himself of the privilege of using water for irrigation purposes. The Indian is not naturally an agriculturist. The Government, however, has declared its policy in more ways than one of converting the Indians into an agricultural people. If



we are to do that, it is a part of my general argument that we must provide on their reservations a sufficient amount of water to make the reservations reasonably productive in an agricultural way. The subject which arises under the question of the Senator from California presents one of the broader aspects of the problem connected with the Indian Service, one of the great difficulties that is confronting the Indian race.

Mr. WORKS. The question suggested itself to my mind because if the Indians are not going to use this water for beneficial purposes, we may be making another great mistake in the expenditure of millions of dollars for the purpose of storing and appropriating this water for the use of the Indians, who will not use it when they have the privilege of doing so.

Mr. ROBINSON. That is true, Mr. President.

Mr. THOMAS. Mr. President, I am in hearty sympathy with the sentiments which have been so well expressed here upon this subject by the junior Senator from Arkansas [Mr. ROBINSON], but I am unable to agree with him as to the importance or even the expediency of this amendment. If I understand the amendment correctly, it will impose upon the Department of Justice of the Government the duty of reporting not upon a question of law, but upon a question of fact. The amendment seeks to obtain an opinion from the Attorney General of the United States as to whether this appropriation, if expended, is going to inure to the benefit of the Indians. That is purely a question of fact, and not a question of law.

The legal aspects of the situation are, to my mind, perfectly clear, and consequently I am unable to perceive in what way this amendment, even if adopted, can be of any benefit to the Indians or to anybody else.

Mr. WORKS. Mr. President—

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I suppose that if the Attorney General is called upon to give an opinion on this question he will be compelled to investigate the prior appropriations from the beginning to determine, in the first instance, whether there is any surplus water there to be appropriated. It would be an immense undertaking.

Mr. THOMAS. Mr. President, the Senator from California is exactly right. Not only that, but the Attorney General would also have to determine the extent to which flood-water appropriations have been made for the purpose of building this reservoir and the system of irrigation after it shall have been completed.

Mr. PAGE. I wish, before the Senator passes final judgment on this matter, as this is purely a question of fact, he would consider for a moment the attitude of the department with reference to it. It is claimed here in the Senate that under State laws the man who first appropriates has the first and best right to the water. That, I think, is the view of the Senator from Colorado.

Mr. THOMAS. The man who first appropriates to a beneficial use.

Mr. PAGE. Yes; who appropriates to a beneficial use.

Mr. THOMAS. Yes.

Mr. PAGE. The department takes a different view of the matter. They claim that under the Winters case there was an implied reservation of the waters of the Milk River to the extent necessary to irrigate this particular project. I will read the identical language of the Supreme Court. It is found on page 378 of the House hearings:

The Supreme Court, in the case of *Winters v. United States* (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

That, I understand, was the ruling of the entire court, with the exception of one member.

Mr. THOMAS. Under the State law, certainly. Under the State law there is no possible doubt about the correctness of that opinion. If the Senator will read it again, he will discover that there is a recognition of the very principle for which the Senator from Utah was just contending.

Mr. PAGE. I should like to read it again, because I can not see the matter in the light the Senator has suggested.

The Supreme Court, in the case of *Winters v. United States* (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

Note the language of the decision:

The power of the Government to reserve the water can not be denied.

Mr. THOMAS. I misapprehended the meaning of the Senator.

Mr. PAGE. Let me go a little further, because this particular case has another important feature connected with it, which is, that before Montana was admitted to the Union certain rights

existed. I want to read the statement of the Supreme Court upon that point:

The Supreme Court further said in this case that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat., L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

I am not going to try to be more wise than the Supreme Court and say that the court ruled wrongly. I am giving you what the Supreme Court said on this case.

Mr. THOMAS. Mr. President, I am reasonably familiar with that decision, although I have not read it for a good while. That decision does recognize in the Government the right to make a reservation of water from that particular stream for the benefit of the Indians. If that were the only decision of the Supreme Court upon the general subject, there could be no doubt about the effect of it in its application to enterprises of this sort; but, Mr. President, I think I can say without exaggerating that this opinion is an exception to the general line of decisions of the Supreme Court of the United States upon this very important subject which have been made by that court both before and since that decision was handed down.

It is a general principle, and I think it has been fully recognized by all the courts from the earliest days of settlement in the arid regions and in the mining sections of the Union in the West, that rights to water and to the use of water depend upon appropriation and diversion to a beneficial use. That principle has been crystallized into national legislation for many years—ever since the act of 1866—a section relating to the subject being found in the Revised Statutes as early as 1872. Since the decision in the case to which the Senator from Vermont has called my attention, which has been read here during the course of this discussion, and in the two hundred and thirteenth United States, as I remember, the Supreme Court has denied even to the Government itself the right to the use of water needed for general governmental purposes unless that right is acquired by compliance with the laws of the particular State where that decision originated, my general recollection of that case being that the Government had a certain appropriation of water for a military post and needed a greater supply, which it assumed to take by virtue of the sovereign power of the Government. That interfered with the rights of others, and the Supreme Court of the United States went so far as to hold, and to hold properly, that even the Government could not utilize the waters of that stream except by complying with the requirements of the statutes of the State where public ownership of water independent of riparian rights is one of the absolute essentials to settlement, and consequently to community life.

In the case of *Kansas against Colorado*, a case involving a controversy over water rights between the citizens of those States along the line of the Arkansas Valley and watered by the stream of that name, the United States Government sought to interfere, and based its right of interference upon its ownership of vast stretches of public domain through which the tributaries of the Arkansas River and the river itself in certain parts ran, but the Supreme Court of the United States held that the title to those waters was in the State, subject to appropriation by its citizens for beneficial uses, and that as a consequence the Government could not upon that ground or any other ground assert any interest that gave it the right to intervene in and become a party to that controversy.

Mr. PAGE. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. PAGE. Mr. President, I should like to ask the Senator this question: If by a treaty with the Indians the waters of the Milk River had been especially reserved for them by name, by description, and by boundaries, and to an extent sufficient to irrigate their reservation, and if that treaty was made before Montana was admitted to the Union as a State, does the Senator say that the rights of the State of Montana would be paramount?

Mr. THOMAS. As to that particular treaty and that particular reservation I should hardly say that if it were done before the State was admitted into the Union—

Mr. PAGE. That is the case here.

Mr. THOMAS. Because in the case to which I have referred, the *Kansas and Colorado* case, the right of the Government in the Territories concerning this question is conceded to be much more extensive and general than in the States of the Union, but the effect—

Mr. PAGE. Mr. President—

Mr. THOMAS. If the Senator will pardon me—the effect would be to limit that decision and the principle announced by the treaty upon which it is founded.

Mr. PAGE. But as I understand, Mr. President, that is the case here. The treaties, as I understand it, referred to one particular river, the Milk River, which supplies the water for the Indians' use on the Flathead Reservation. The court did not say that this reservation was made in terms, but it said that:

There was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes.

Mr. THOMAS. Yes; the Supreme Court decided in that case that the treaty established that reservation.

Mr. PAGE. Then, does not that take this particular case about which we are talking to-day out of the general law?

Mr. THOMAS. Yes; the particular case here might be taken out of the general law—the general law upon the subject.

Mr. PAGE. That is the point I make, Mr. President.

Mr. THOMAS. But that is not the amendment offered by the Senator from Arkansas. That amendment, as I understand, imposes upon the Attorney General the duty of informing Congress or the Department of the Interior, or both, whether this money, if expended as this bill provides, will inure to the benefit of the Indians. That is merely a question of fact.

Mr. PAGE. May I interrupt the Senator upon that point for a moment?

Mr. THOMAS. Certainly; I am always glad to yield to the Senator.

Mr. PAGE. We have had a long discussion upon this matter in the Senate, in which the most distinguished lawyers in the body have held that this particular decision was wrong.

Mr. THOMAS. As a general proposition, it certainly is wrong, in my humble opinion. As applied to the specific facts in the Milk River case it may not be wrong.

Mr. PAGE. If the Supreme Court has held in the case of the Milk River Reservation that the water rights were, by an implied reservation, held for the benefit of the Flathead Indians, and if the best lawyers in this Senate insist that the Supreme Court has wrongly held, then is there not presented a question of law, as well as of fact?

If the law as interpreted by the Senator from Colorado and other Senators differs from the decisions of the Supreme Court touching the Indians' rights in this matter, then it seems to me the Indian Department, under this amendment, will properly say to the Attorney General: "We want you to study the decisions of the courts carefully and determine whether, under these decisions and purely as a matter of law, the rights of the Indians are or are not sufficiently and properly safeguarded in this matter. We do not want this money spent until we know whether they are or are not protected, and if they are not protected we want their money withheld and covered back into the Treasury."

Mr. THOMAS. Mr. President, the Supreme Court of the United States has already determined the law, according to the Senator's own statement, in so far as it can be determined in that particular case. It is the application of this water after the system has been constructed, and that alone, that can be made the basis for any opinion as to whether the Indian is going to get any benefit from it. It is a matter of fact.

Mr. PAGE. I am not going to debate a legal proposition with the Senator from Colorado; he knows that very well.

Mr. THOMAS. I think the Senator is capable of holding his own with any of us here on a legal proposition.

Mr. PAGE. I simply say that here is a decision of the Supreme Court which the Senator's colleague and other Senators here have criticized, if I remember correctly—if I am wrong, he will correct me—and have intimated was not good law.

Mr. THOMAS. My colleague is a most excellent lawyer, and if he said that, I would be inclined to doubt the wisdom of my own conclusions.

Mr. PAGE. I may be wrong about it; it may have been some other Senator who expressed this opinion; but, be that as it may, some of our learned Senators have declared upon the floor of the Senate during this discussion that, in their judgment, the view of the Supreme Court which I have quoted was not good law. Does it not therefore become a proper matter for the Attorney General to investigate in order that the Indian Department may know whether it can or can not properly go ahead and spend three, four, or five million dollars more of the Indians' money upon this irrigation project?

Mr. THOMAS. There are many decisions which are poor law, but they are nevertheless stare decisis. The decision to which the Senator from Vermont refers may be poor law, but

at the same time it may be conclusive of the particular controversy to which it relates, irrespective of whether it appeals to the reasoning powers of the profession generally.

Mr. President, so far as the last statement of the Senator is concerned, I do not think that we are very far apart. I do not believe that it is right—and I am expressing no new opinion upon the subject—to take the money of the Indians for the purpose of building reservoirs for white people. The Senator can not get up any controversy with me on that proposition, and if this were a new question I should hesitate very long before even consenting to consider it; but, if I understand the situation, under previous legislation the water system for this particular tract of land has been provided for and is partially completed, and that other and further appropriations are necessary in order to make it effective. If that is so, that presents a very different proposition to my mind, because I know of no more useless thing in the world, Mr. President, than an uncompleted irrigation system in the arid West.

Mr. PAGE. May I interrupt the Senator?

Mr. THOMAS. Certainly.

Mr. PAGE. It is true, is it not, that here is an irrigation project which has been entered upon and upon which there has been expended, of the Indians' money or of money for which the Indians' lands are mortgaged, more than \$1,000,000. The testimony also is that the project will require four or five or six million dollars more.

Mr. MYERS. Mr. President, I should like the Senator to get that correct. There have been a million and a half dollars approximately expended, and it will take about \$4,500,000 more to complete the work.

Mr. PAGE. I accept the correction; I stated it as nearly as I could from memory and without looking up the testimony upon this point.

Mr. THOMAS. I may state that these projects always cost from 25 to 100 per cent more than the original estimate.

Mr. PAGE. The matter has been the subject of much debate on the part of the Indian Affairs Committee. They had reasoned like this: "Have we any right to continue with this project and expend three or four or five million dollars more upon it, if the Indian, being unable to make beneficial use of the water, is going to lose his rights? The Indian is taking all the risk. The facts are I believe that up to this date the Indian has only been able to appropriate water on about half as much land as the white man. We have mortgaged the Indians' property for an immense sum, a sum so large that it almost staggers us, and yet we are now proposing to place further mortgages on his lands—mortgages aggregating five or six million dollars. In view of that fact the Commissioner of Indian Affairs was asked, 'Can not something be done to safeguard the Indians' rights?' He said, 'Yes; there can be something done'; and he prepared amendments to safeguard the Indians' rights in all these propositions. The moment the bill got into the Committee of the Whole those amendments in the form of provisos prepared by the Indian Bureau were all thrown out on points of order.

It is true as to the amendment proposed by the Senator from Arkansas that we asked the Indian Bureau if they could not propose some amendment to safeguard the Indian which would not be obnoxious to a point of order, and the amendment offered by the Senator from Arkansas was hurriedly prepared by officials of the Indian Bureau in response to this suggestion. I do not think they thought it was the best that could be prepared, but they thought that it was not open to a point of order, and therefore was perhaps the best that could be done on the spur of the moment. I sincerely hope that those Senators who believe that it is wrong to spend the Indians' moneys in this way without properly safeguarding his rights will not stand back and say to every proposal we make here for the protection of the Indian, "This way is wrong and that way is wrong." I want positive suggestions offered as to some way to safeguard the Indians' rights; and if no way can be found, then, so far as I am concerned, I prefer that no appropriation be made at this time.

Mr. THOMAS. Mr. President, I had no idea when I took the floor that I would take as much time of the Senate as I have consumed thus far. When last interrupted by the Senator from Vermont, I was about to state that on yesterday the Senator from Montana, in response to a question of mine, said that these water rights, or some water rights for the benefit of the Indians and of the Indian lands, had been secured by the Government through its compliance with the requirements and machinery of the State laws upon that subject.

Mr. MYERS. They have, Mr. President.

Mr. THOMAS. Now, I assume that the Government has so acted that the appropriations by it were sufficient in quantity.



for the amount of lands to be supplied. The Senator also said that of the lands to be benefited by this scheme, occupied by the whites who purchased their lands, the purchase money, together with the price to be charged to them for their water and water rights, would constitute a fund that would go back into the Treasury to recoup and reimburse the amount of these appropriations. That being the case, and a million and half dollars having been appropriated which will be absolutely lost and worthless if this enterprise is not completed, and in view of the further fact that the decision of the Supreme Court of the United States does in that particular case, according to the Senator's own statement, make a reservation of all waters that are necessary for the Indians, I am unable to perceive why, even if this were a question of law—which I can not for a moment admit—that this amendment would be of any importance whatever.

Mr. PAGE. Mr. President—

Mr. THOMAS. Does the Senator desire to interrupt me?

Mr. PAGE. I rose to say to the Senator that I have not yet heard any reliable authority say that this would be an entire loss of money if we should stop now. The entire project, of course, would not be completed, but \$100,000 or \$50,000 would probably be sufficient to keep the project going until we can ascertain what may be done to protect the Indians.

Mr. MYERS. I should like to interject a remark at that point and shed a little light upon the subject. The greater part of the million and a half dollars would be lost because the greater part of it has been spent in preliminary work, some in fundamental work, such as foundation work, putting in dams and reservoirs, and simply getting ready to put the water on the land.

Mr. THOMAS. If it be true that this enterprise is going to cost four or five million dollars more—and I do not doubt it—it seems to me that the Government is indulging in a system of false economy in making such a small appropriation as \$200,000 for the continuance of the work. It is something that ought to be completed, and completed as soon as possible.

Mr. MYERS. I should like to say at this juncture that both the Indians and the whites are clamoring for larger appropriations and a speedy completion of the project. Mr. Newell, chief engineer of the Reclamation Service, testified that \$600,000 a year could be profitably handled and ought to be appropriated to rush the work to completion.

Mr. THOMAS. Now, as a matter of fact, the Reclamation Service and the reclamation fund ought to have been used, in part at least, for the construction of this reservoir.

Mr. MYERS. Certainly.

Mr. THOMAS. To that I fully agree; but, Mr. President, the reclamation fund has been treated very much as the Senator thinks the Indian fund has been treated in the administration of all these reclamation projects. The very heart and core of the reclamation law is involved in the purpose and effort of reclaiming and making cultivable the lands which belong to the Government of the United States, the public domain, in order that citizens may avail themselves of their changed condition to settle upon them and make homes upon them; and yet in what is called the Engle project, down in the southern part of New Mexico, a vast amount of money—the project will cost, before it is completed, \$10,000,000—has been deliberately misappropriated—I do not use the term in any offensive or criminal sense—misdirected from its original purpose and diverted to the completion of that huge enterprise, which, when completed, will only reclaim an aggregate of 180,000 acres of land, less than 14,000 acres of which, as I said before, is on the public domain. I presume that it is because of those things, or, rather, because of that particular instance—I can not name any others, although there may be others—that recourse is had upon the Indian funds for the purpose of completing some of these other projects.

Mr. PAGE. Mr. President—

Mr. THOMAS. I yield to the Senator from Vermont.

Mr. PAGE. I think there are a great many things about this matter that I do not know. In fact, they would fill a very large book.

Mr. THOMAS. The things I do not know about it would probably fill another volume.

Mr. PAGE. But, Mr. President, when we want information—and I speak now with reference to the Committee on Indian Affairs—the most natural place in the world for us to go is to the Interior Department, the Bureau of Indian Affairs, the Indian Commissioner. I want to read just two or three quotations from the statements made by the Assistant Commissioner of Indian Affairs to the Committee on Indian Affairs touching this particular appropriation. Here is one:

These items—

Speaking of the several amendments which were thrown out on points of order, the commissioner, or assistant commissioner, said:

These items, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made—

Bear in mind that these provisos were added to half a dozen items.

Mr. THOMAS. Yes.

Mr. PAGE. Now, mark this:

And where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Again:

According to estimates of the Reclamation Service, it will require nearly \$2,000,000 to be further appropriated by Congress to complete this project.

Here is another suggestion from the assistant commissioner:

The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

I believe that statement is absolutely correct.

Mr. THOMAS. He might have extended it, with perfect truth, and said that it is one of the most acute problems that all people, red and white, are confronted with in the arid regions of the United States.

Mr. PAGE. He then proceeds to say:

There are dependent upon the solution of this question not only property rights involving millions of dollars but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

The Indian Bureau has been seeking to protect them in the way I have suggested, but unfortunately their suggestions have gone out upon points of order; and that leaves us with the urgent necessity of providing some other relief, and the best we are at this time able to suggest is provided by this amendment offered by the Senator from Arkansas.

Mr. THOMAS. I have the highest opinion of the good purposes and the zeal and the efforts to properly discharge the duties of the position which the present Commissioner of Indian Affairs and his assistants have at all times shown; but I am unable to see how this amendment which has been stricken out on a point of order can in the slightest degree benefit the Indians, whether it is agreed to or not. I regard it as so much waste paper, because you can not initiate a water right in that way for an Indian or for a white man or at all, unless it may be in the particular case to which that decision relates; and there it is needless, because the decision, if it is good law, as it is claimed to be, makes the amendment even there unnecessary.

I do not want to see the Indian funds squandered and misused any more than anyone else does; and I will join the Senator from Vermont at any time and at all times, as long as I am here, in any effort that he sees fit to make toward husbanding the resources of the Indian and seeing to it that they are expended for the Indian and for him alone; but I am unwilling to bring this enterprise to a halt in view of all the information I have been able to obtain concerning it.

Mr. WORKS. Mr. President, the Senator from Vermont [Mr. PAGE] has called attention to the case of *Winters v. The United States* (207 U. S., 564) as bearing upon this question. I think it is only necessary to disclose the facts upon which the suit was based and the opinion rendered to determine that it has no effect upon the question now before the Senate.

It is said in the statement of the case:

This suit was brought by the United States to restrain appellants and others from constructing or maintaining dams or reservoirs on the Milk River, in the State of Montana, or in any other manner preventing the water of the river or its tributaries from flowing to the Fort Belknap Indian Reservation.

So it appears that the action was one between the United States and private individuals who were claiming rights in the waters of the stream.

It is said further in the statement:

In 1889 the United States constructed houses and buildings upon the reservation for the occupancy and residence of the officers in charge of it, and such officers depend entirely for their domestic, culinary, and irrigation purposes upon the water of the river. In the year 1889, and long prior to the acts of the defendants complained of, the United States, through its officers and agents at the reservation, appropriated and took from the river a flow of 1,000 miner's inches, and conducted it to the buildings and premises, used the same for domestic purposes and also for the irrigation of land adjacent to the buildings and premises, and by the use thereof raised crops of grain, grass, and vegetables. Afterwards, but long prior to the acts of the defendants complained of, to wit, on the 5th of July, 1893, the Indians residing on the reservation diverted from the river for the purpose of irrigation a flow of 10,000 miner's inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables.

So it appears that in this case, before Montana became a State, the Government and the Indians had actually appropriated to a beneficial use a large part of the waters of the stream; and it was upon that condition of things that the decision of the court was rendered.

The court, speaking of that condition and the rights of the parties, has this to say:

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union, February 22, 1889 (ch. 180, 25 Stat., 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State, was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the agreement to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be.

That is the particular clause in the decision to which the Senator from Vermont refers and upon which he relies.

That the Government did reserve them we have decided, and for a use which would be necessarily continued through years. This was done May 1, 1888, and it would be extreme to believe that within a year Congress destroyed the reservation and took from the Indians the consideration of their grant, leaving them a barren waste—took from them the means of continuing their old habits, yet did not leave them the power to change to new ones.

The only question there was whether the Government had actually reserved these waters to the use of itself and the Indians by actual appropriation and use of the water, putting it to a beneficial use, and whether, if that reservation had been made, it would be repealed by the mere act of admitting Montana into the Union. The court concludes that the reservation was actually made, and that the admission of the State would not have the effect of setting aside the contract of reservation made with the Indians.

I think there can be no doubt of the correctness of the decision based upon the facts as they are stated in the statement of the case; but that does not reach the question of the rights in the waters of a stream as between the States and the United States. Nobody at the present time will question the fact that as a matter of law the States, and not the United States, are the owners of the water that flows in the streams passing through the States, and that the State has the right and jurisdiction to determine upon what terms and conditions the water shall be taken out of the streams and used by private individuals or others; so that there is really nothing in this decision that affects this question or affects the question of the rights of the States in the water.

Mr. SHAFROTH. Mr. President—

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I desire to ask the Senator from California whether that decision is not somewhat similar, at least, to the decisions that have been rendered in my State as to what has been conveyed when a man conveys 160 acres of land without any reference to the water rights upon it. Under the laws of Colorado, if there has been a water right attached to the land, the water right passes as appurtenant to the land by the deed itself. You do not have to mention the water right.

Mr. WORKS. Oh, there is no question about that.

Mr. SHAFROTH. If, however, your water rights are obtained by stock in a company, and it is represented that by virtue of those shares you are entitled to so much water, the conveyance of the land conveys nothing whatever of the water.

Mr. WORKS. No; not unless the water has been actually applied to the land.

Mr. SHAFROTH. In the case of its application to the land there is a difference between the States. In our State, however, you have a right to transfer water. Consequently, they have held in those cases that where the owner of land owns stock in a company, if he conveys the land without referring at all to the water right or to the stock the water does not go; but where he conveys the land to which the water right has attached by reason of appropriation without the intervention of some stock of his own in a company, the water right goes as a part of the conveyance, as appurtenant to the land.

This decision seems to me to be following out that same view, namely, that here was an agreement by which the Indians conveyed this land to the United States, and it was to be held as an Indian reservation; and the question arose there whether, in that conveyance, because of the fact that no water right was mentioned, the Indians did not intend not to reserve any water rights, notwithstanding they had already constructed the ditch, and notwithstanding they were using water. It would naturally, under the laws of the State of Colorado, at least, go as appurtenant to the land, and consequently they would not be

deprived of it. It seems to me that distinction is clearly presented in that opinion.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. SHAFROTH. Yes, sir.

Mr. PAGE. I have listened to the debate upon this law point with very great interest for several days, and I do not want to prolong the session of the Senate by going further, but I should like to have just one point settled in my mind, and that is, does the Senator believe that this decision as it reads is good law?

Mr. SHAFROTH. No; I am not prepared to say that it is good law or that it is poor law, because, from the facts that the Senator from California has read, the opinion is not contrary to the general principles that were announced in the discussion of this question on Saturday. It is like this: The Government, by reason of its contract with the Indians, made a conveyance to the Indians, as it were; and the question was whether a water right that had already attached went with the conveyance or whether it was excluded by the conveyance. It seems to me that when you consider that they had constructed it for that purpose, and that the land was useless without the water, the court naturally would hold that it was appurtenant to the land, and therefore it would go with the land, just as in the decisions to which I have referred in the State of Colorado, where a man conveys a piece of property upon which there is a ditch constructed, and he has been using water continually, the courts would say to any person who attempted to attack that water right, "You can not do it, because it was conveyed to that party, although it was not expressly mentioned."

Mr. PAGE. Does not the Senator think the Supreme Court attempted to say that water from the Milk River sufficient for the irrigation of these Indian lands was, by an implied reservation, reserved for the benefit of the Indians?

Mr. SHAFROTH. Why, certainly. It does not say all the water; whatever had been appropriated there. You might just as well ask, when I make a conveyance of 160 acres upon which there is an irrigating ditch and I have been drawing water from a regular irrigating ditch and paying for it each year whether or not when I convey that land there is reserved by me the water which goes by that land. The court would say, "No; you could not have done that. You could not have intended that. You must have intended, as a matter of fact, that the water should be conveyed, because the land is not worth much without the water."

Mr. PAGE. But it seems to me the trouble with the Senator's reasoning is that the Supreme Court's decision does not limit the water to whatever may be appropriated, but it says "for the benefit of the Indians of a sufficient amount of water," and so forth.

Mr. SHAFROTH. But when, according to the statement of facts there, 10,000 inches have been used, it does seem to me that it would be naturally implied that it was a part of the agreement that it should go.

Mr. WORKS. Mr. President, there can be no doubt of the correctness of the first proposition advanced by the Senator from Colorado, that where water is actually appropriated and applied to a beneficial use in the irrigation of land it becomes appurtenant to the land, and passes with it upon a conveyance of the land without any reference to the water right.

As to the rights of one holding stock in a water corporation, that is entirely controlled by the State statutes, and the rule differs in the different States.

The Senator from Vermont, however, asks whether this opinion correctly states the law. It does, undoubtedly, as applied to the facts as they are disclosed in the case; but the general statement made by the court that—

The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be—

Must be confined to the facts of this particular case. As a general proposition, it is not good law at all, because the National Government has no right to reserve any of the waters of a stream flowing within a State. This, however, was a case where the waters were flowing through a Territory, under the control and jurisdiction of the National Government; and such a contract was made as entitled the Indians to appropriate the waters, and they were actually appropriated and applied to the lands. Under those conditions, of course, the statement of the court is entirely correct, in my judgment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. I should like to ask one more question, and then I will discontinue my remarks. Does the court design to say that the United States has reserved the water of which the Indians made beneficial use at that particular time, or does it



design to say that the reservation is made of enough water to irrigate the lands? There is the whole question, in my mind.

Mr. WORKS. The court does not say, but simply states the facts, and then the conclusion that the Government had the right to reserve the water; but I assume that the Government was dealing with the water actually appropriated and applied to a beneficial use.

Mr. PAGE. Then the language of the court is very misleading, because it says that the court holds that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation and other specified purposes.

Mr. WORKS. Mr. President, I suppose the quantity of water that had already been appropriated by the Indians was regarded by the court as a sufficient quantity. Of course, I am not able to say what was in the mind of the justice who delivered this opinion; but undoubtedly the language used by the court must be confined to the actual conditions that were disclosed in this particular case.

Mr. JONES. Mr. President, I am not going to discuss the legal features of this matter; and while I have tried to pay attention to this debate, and probably ought to know the facts with reference to the lands affected, I confess that I do not know very much about them. If the Senator from Montana will permit me, however, I should like to ask him a few questions, not in a catechising way at all, but simply to get some information.

Mr. MYERS. I shall answer them with great pleasure. I have been stating facts, and had intended to state some more, but I shall be glad to answer any questions that I can.

Mr. JONES. How many acres of land are supposed to be reclaimed by this project for which we are making provision?

Mr. MYERS. I can not tell that right now without taking a good while and going into the testimony before the committee. Perhaps the chairman of the committee or the Senator from Arkansas [Mr. ROBINSON] might be able to tell that. I have not the figures at hand.

Mr. JONES. Do the lands to be reclaimed constitute an Indian reservation?

Mr. MYERS. They do not now.

The PRESIDENT pro tempore. The Chair can inform the Senator from Washington that the Senator from Arkansas [Mr. ROBINSON] stated that the irrigable part of the reservation consisted of about 150,000 acres, one half of which belonged to white people and the other half to the Indians.

Mr. MYERS. I have not yet answered the other question. This land is not now an Indian reservation. It was the Flathead Indian Reservation, on which the Flathead Tribe of Indians resided; but by an agreement with the tribe, into which the tribe entered, and to which it consented, the reservation was thrown open to allotment and settlement. Each Indian was allotted so much land—80 acres of irrigable farming land and a larger quantity of grazing land. The Indians took their allotments first, got the first choice, and got the land they wanted. Then the balance of it was thrown open to settlement by whites upon its purchase at the appraised price of from \$4 to \$7 an acre, and by legislation of Congress this reclamation project was started in order to put water on the land.

Mr. JONES. The lands that continued Indian lands have all been allotted to the individual Indians, as I understand?

Mr. MYERS. They have all taken their allotments, I think.

Mr. JONES. And the remainder that was formerly part of the reservation has been disposed of to white people?

Mr. MYERS. It is open to disposal. Most of it has been disposed of; not all.

Mr. JONES. But the remainder, then, is still Indian land, to be disposed of to settlers upon their paying the appraised value and complying with the homestead law, I suppose?

Mr. MYERS. Yes; to be disposed of.

Mr. JONES. About half of it has been allotted to the Indians and the other half—

Mr. PAGE. One-third.

Mr. JONES. One-third, the Senator from Vermont tells me.

Mr. MYERS. The Senator from Vermont, I think, is thinking of the amount of land which the Indians have had water put upon. They have had about one-third of the water put upon their lands, as I understand; but from the statement of the Chair, which I now recall to be substantially correct, the Indians got half of the land, and the better half.

Mr. JONES. As I understand, then, Congress some time ago made an appropriation to provide irrigation works to reclaim the lands that had been allotted to the Indians, and also the surplus lands?

Mr. MYERS. It began about six years ago, and has been appropriating from \$200,000 to \$400,000 each year for that purpose.

Mr. JONES. What is the plan of these irrigation works? Do they consist of reservoirs, or simply diverting canals?

Mr. MYERS. Reservoirs, principally, as a foundation for the storage of water.

Mr. JONES. That is, the water has to be stored in order to make the supply available for these lands?

Mr. MYERS. Yes; for most of them.

Mr. JONES. Most of it has to be stored?

Mr. MYERS. Yes.

Mr. JONES. We have appropriated the money, or part of it, to start this project, but have provided that it should be reimbursable out of the Indian funds. Is that true?

Mr. MYERS. That is true.

Mr. JONES. And all that we have appropriated thus far has been reimbursable out of the Indian funds?

Mr. MYERS. Yes, sir.

Mr. JONES. Of course, it is probably useless to inquire why we did that; but I can see no particular justice in requiring the Indian to put up money to reclaim any land excepting his own, and I do not see the justice of our continuing that.

Mr. MYERS. I will ask the Senator a question. If it is necessary to construct these reservoirs and use the Indians' money for the purpose of storing water to put on the Indians' lands, had they not just as well make it a little larger and store water to put on the lands of the white settlers, when the money which comes in from the sale of the land to white settlers goes to pay for the whole thing?

Mr. JONES. Yes; but why should we say that the money that is expended to reclaim the lands in private ownership shall be a lien upon the funds of the Indians? Why do we not say that we are going to appropriate that money out of the Treasury of the United States, and then, when a private individual gets title to his land, that he has to repay to the Government the amount it cost?

Mr. MYERS. Because the appropriation would have to come out of the reclamation fund.

Mr. JONES. No; it would come out of the Treasury of the United States.

Mr. MYERS. I have never heard anybody advocate that theory before. I have heard all sorts of complaints—

Mr. JONES. I think it is about time it was advocated in a case like this.

Mr. MYERS. I should like to finish my statement. I have heard all sorts of critical comments and complaints and fault-finding with this system, and people have told us a hundred different ways in which it ought to be done, and the only thing they seem to agree about is that they do not want it done in the present way; but I never before heard anybody suggest that the money ought to come or could come directly out of the Treasury of the United States.

I should like to ask the Senator a question. He says he does not know why that was done. Was the Senator in this body six years ago?

Mr. JONES. No; I did not ask why that was done. I know why it was done. I was not in this body six years ago, but I was in the House.

Mr. MYERS. The Senator was in the House six years ago?

Mr. JONES. I was.

Mr. MYERS. Then the Senator ought to know why it was done. I was not here.

Mr. JONES. I do know why it was done. It was done just for the reason, I suppose, that we are continuing it now—because in a way it evades taking it out of the Treasury of the United States and puts it in a sort of way as though Congress was not appropriating any money. That is the reason it was put in that way.

Mr. MYERS. We are appropriating the money now, however, and it goes into the sum total of the appropriations of Congress.

Mr. JONES. I know it; but why not say that it comes out of the Treasury and shall be reimbursable by the white people instead of out of the Indians' money? The Indian is under no obligation to reclaim that land.

I do not blame the Senator for trying to carry on this proposition. I do not criticize him in the least.

Mr. MYERS. The Indians are getting the benefit by getting water on their land. They get the benefit as well as the others.

Mr. JONES. It is all right to let their lands be burdened with the cost of their own reclamation, but do not burden them with the cost of reclaiming the white man's lands. Let the United States Government put up that money out of the Treasury, as we are doing, and instead of saying that it is reimbursable out of Indian funds let us say that the white man shall pay the cost which he ought to pay.

If I had my way about it, I would put in a provision here simply appropriating this money, and require that whatever part

ought to be put against the Indian land should be reimbursed out of the Indian fund and require the white owners to pay the other half.

Mr. MYERS. You can not do that now, because it would be a general appropriation, and it has not been estimated for.

Mr. JONES. We could do it if we would.

Mr. MYERS. I do not believe we could do it this year.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. ROBINSON. I wish to say that the Senator from Washington, to use a proverbial expression, has struck the keynote. By a reference to the hearings before the Senate committee on pages 234 and 235 it will be seen that the exact policy which he is suggesting was agreed on in the committee; that is, that the matter of financing this reclamation project should be changed so that the Indians should reimburse only one-half of it, and the whites the remaining half, and in this way the increase from \$100,000 to \$250,000 was made.

Mr. MYERS. Does the Senator say that such an amendment was offered in committee?

Mr. ROBINSON. Yes. It was discussed.

Mr. MYERS. What became of it?

Mr. ROBINSON. I will read the record. I did not want to prolong this debate by further injecting my views into this controversy, but it is an important matter, and it is not by any means terminated with the adoption or rejection of this amendment, because there is involved in this legislation a principle which Congress will be compelled to recognize in the early future. I read from page 234:

Mr. MERITT. This matter has been in my mind for a number of years. Soon after I became the law clerk of the Indian Bureau and had charge of the legislative work of that bureau, I recognized that an injustice was being done to the Flathead Indians. On January 12, 1912, I prepared a memorandum for the then commissioner and set out this condition. That memorandum is found on page 453 of the hearings, and I made a specific recommendation as to what should be done in this case in order that the rights of the Flathead Indians might be protected.

One paragraph of that memorandum reads as follows:

"I wish to call your attention to the fact that under the proposed arrangement the property of the Indians is required to be held as security for the reimbursement of appropriations made by Congress to construct the Flathead irrigation project, which will benefit the white settlers as much as it will benefit the Indians, and the project when completed will irrigate as much land in the ownership of white settlers as allotted to the Indians. In view of this fact, I want to suggest the advisability of Congress making direct appropriations for the construction of this project as a regular irrigation project under the supervision of the Reclamation Service rather than an Indian irrigation project, the Indians to pay their proportionate share of the cost per acre for irrigation, and the money heretofore appropriated by Congress and made reimbursable by the Indians could be considered as part payment of the cost of the irrigation of the Indians' land."

Mr. Chairman, I think that is the equitable solution of this question.

Senator FALL. I want to congratulate you, sir.

Senator GRONNA. So, instead of making it a reimbursable fund, you want it appropriated direct, the same as any other irrigation project?

Mr. MERITT. Yes, sir; and let the money which shall hereafter be reimbursed be credited to the Indians as part payment of this construction charge.

Senator TOWNSEND afterwards took part in that discussion, and I make the statement, from reading the testimony of the hearings before the committee on that subject, that it was agreed by the committee that the method of financing this reclamation project should be changed, so that the Indians should reimburse only for their proportionate share and the whites should reimburse for their proportionate share. If that is not a fair proposition, I am unable to perceive one when it is presented.

Mr. SUTHERLAND. Will the Senator from Washington permit me to ask a question of the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. SUTHERLAND. Do I understand from what the Senator from Arkansas has said that the money that is used to build this irrigation project will be paid entirely out of Indian funds, and that white settlers will get the water without paying anything for the water?

Mr. ROBINSON. Oh, no; that is not it at all.

Mr. SUTHERLAND. What is the situation about that? Of course I think—

Mr. ROBINSON. I do not say—

Mr. MYERS. Just let me interject a remark here. The white settlers pay the cost of putting water upon their land—thirty or forty dollars an acre.

Mr. SUTHERLAND. The white settlers pay their proportionate cost of the irrigation work?

Mr. MYERS. They do; certainly.

Mr. SUTHERLAND. Of course that ought to be so.

Mr. MYERS. They do.

Mr. SUTHERLAND. The Indians ought not to be compelled to pay money for building irrigation work to irrigate the lands of white settlers.

Mr. MYERS. The white settlers have to pay their share before they get title to the land. They must not only pay for the land, but pay the cost of putting water on the land before they can get a patent to the land.

Mr. SUTHERLAND. What becomes of the money which the white settlers pay?

Mr. MYERS. It goes back into the Indian fund from which the money was taken to pay for the work.

Mr. SUTHERLAND. So the white settlers, to the extent of land which they irrigate, pay a just measure?

Mr. MYERS. They do.

Mr. ROBINSON. That is not an entirely correct statement. The correct statement is—

The PRESIDENT pro tempore. The Senator from Washington has the floor. Does he continue to yield?

Mr. JONES. I yield. I am just trying to get the facts in the matter.

Mr. ROBINSON. The correct statement as disclosed in the record is this: The Indians are financing this reclamation project. The Government advances the money out of the Treasury, approximately \$6,000,000. While the whites already own half the lands that are to be reclaimed under the project, the Indians are required to reimburse every dollar of it. The whites, of course, if the reclamation project proves profitable, reimburse the Indians.

Mr. MYERS. I should like to answer the Senator right there. The white settler goes up there and buys from the Government a certain quantity of land, say, 80 acres of irrigable land. He signs the papers and enters into a contract with the Government to pay the appraised value of that land, which is from four to seven dollars an acre. We will say that the appraised value in this case is \$5 per acre. For 80 acres of land that is \$400 he agrees to pay, and also he signs papers to pay the Government the cost of putting water on that land, of which at present the running amount is \$40 per acre. We will say it costs \$40 per acre. He pays not only for the land, but he pays the Government \$40 per acre for putting water on the land. He pays for the land and he pays for the water. I want to ask the Senator where does that money go? I should like—

Mr. ROBINSON. It is reimbursed to the Indian fund, and I have never contended anything else; but I will further answer that by reading the testimony of the assistant commissioner, together with the question the Senator from Montana asked him, on page 234.

Senator MYERS. No; I think it ought to be completed long before the 20 years is up and get back the principal.

Senator FALL. Under the act of Congress they—

Meaning the white settlers—

have 20 years, these white people, to pay it back after it is completed. Let me ask you this question and see if I get this right. We will say this 77,000 acres of land, which goes to the white people, is sold for the maximum, \$7 an acre. I understand it is appraised at \$4 to \$7 an acre. Now, as I understand the proceeds of that \$7 an acre go back into this fund to reimburse; is that not it?

Mr. MERITT. Yes, sir.

Senator FALL. Then as a matter of fact, that is Indian land, is it not?

Mr. MERITT. Yes, sir.

Senator FALL. Instead of getting \$7 the Indians get only \$3.50, because one-half goes to reimburse his cost and one-half goes to the white man to reimburse his cost, so he is really getting \$3.50?

Mr. MERITT. The white man ultimately will pay back to the Indian his pro rata share.

Senator FALL. I thought he was going to pay it back to the Reclamation Service or to this fund we appropriated. If we appropriate \$500,000 now, one-half of that will be for the benefit of the white man and one-half for the Indian?

Mr. MERITT. And the Indian will have to reimburse the entire \$500,000.

Mr. MYERS. If the Senator will permit me, he will have to reimburse the Indian fund.

Mr. ROBINSON. I have already stated that ultimately he will have to reimburse the Indian fund.

Senator FALL. And he takes the chance of the white man doing anything?

Mr. MERITT. Yes, sir.

Senator FALL. And then the proceeds of this \$7 an acre which the white man pays, one-half of that will be applied in repaying his \$250,000 and one-half the Indian's \$250,000, so the Indian gets \$3.50 an acre instead of \$4 to \$7 an acre?

Senator LANE. There is another point I wish to bring out, that the majority of the allotments on the Flathead Reservation have been made, and the Indians are held responsible, on dry land which never can be irrigated at all. I should like to call on these gentlemen to explain in regard to that.

Senator MYERS. I should like Mr. Meritt to finish all he has to say.

Now, the fact of the matter is that many of the Indians' allotments are on the dry lands that can not be irrigated. Nevertheless, these lands which can never receive any benefit from the project whatever are hypothecated against the chance



that the Indian takes of this being made a successful reclamation project, and the white man takes no chances whatever.

Mr. MYERS. I should like to interrupt the Senator just there. Every Indian has the opportunity to select 80 acres of good irrigable, arable land and an additional amount of grazing land, I think 320 acres. If that is not giving him just as good a chance as the white man I do not know what is. If they do not select 80 acres of bottom land, good farm land, it is their fault.

Mr. ROBINSON. Most of the allotments have already been made, and while the Indians did have such an opportunity, in the course of events it resulted that the Indians in many instances got dry lands that can not be irrigated, and now they are required to hypothecate that land, which can not be benefited, to make good the establishment of this project.

Mr. MYERS. With 80 acres of bottom land, irrigable land—

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. The Senator from Washington has the floor. The Chair does not know to whom he is farming it out.

Mr. ROBINSON. I yield to the Senator from California.

Mr. WORKS. Mr. President, it seems to me that the Senator from Arkansas is not quite correct when he says this project is being financed by the United States Government. It seems to be financed by the Indians. They are required to furnish the security and repay the total amount of this money to the Government.

Mr. ROBINSON. I have stated that the Government first pays it.

Mr. WORKS. You have so stated, but I think the conclusion drawn from the statement is not correct, for I think really the Indian is financing this whole scheme.

Mr. ROBINSON. Undoubtedly; that was the very basis of my contention, that the scheme is not fair and that the system of financing it ought to be changed. It is true the Government first advances the money, and in that sense of the word the Government is financing it. Nevertheless, every dollar of it is reimbursable out of the Indian funds. It means that the entire property of the Flathead Indians, whether it is benefited by this reclamation project or not, stands pledged as a guarantee of the success of the reclamation project. The system is wrong. You would not get a white man standing in the place of these Indians to go into a scheme of this sort as long as time runs.

Mr. WORKS. The Senator says that an agreement was reached by the committee that was entirely inconsistent, as I understand, with the bill as reported from the committee. What became of that agreement?

Mr. ROBINSON. The committee inserted in the bill a provision which sought to protect the rights of the Indians, and that provision went out on a point of order. Then, after conferring with some of my colleagues on the committee, as the Senator will remember, I offered an amendment which took the other horn of the dilemma and sought to have the Indians' rights protected under the laws of Montana. That amendment was defeated. Now I have offered this amendment as the last recourse. It simply provides that before you further commit Congress to the expenditure of Indian moneys to construct this irrigation project, you shall get the advice and opinion of the chief law officer of the Government that the Indians are going to be benefited by it.

Mr. WORKS. That does not relieve the objectionable features of the provision, even if that amendment may be adopted.

Mr. ROBINSON. That is entirely true.

Mr. WORKS. They are still left burdened with the obligation of constructing this whole work.

Mr. ROBINSON. I agree with the Senator from California, but it will require affirmative legislation to change the method of financing this irrigation project, and you can not secure that in this appropriation bill. You must have separate legislation.

Mr. WORKS. Does the Senator mean to say that it is necessary in this appropriation bill to make this amount of money a lien upon the lands of the Indians and compel them to obligate themselves for the total amount in an appropriation bill?

Mr. ROBINSON. Whether I say that or not, when we make this appropriation it does become a lien on the lands of the Indians.

Mr. WORKS. Certainly; but the Senator says that no substantive legislation can go into the bill. Is not that substantive legislation?

Mr. ROBINSON. No; it is not.

Mr. WORKS. Outside of the mere appropriation?

Mr. ROBINSON. This appropriation is made under authority of law heretofore enacted authorizing the construction of this irrigation project, and the appropriation itself is not sub-

ject to a point of order. If it were, I unhesitatingly say that in the light that has come to me during this discussion I should make the point of order.

Mr. WORKS. It is perfectly evident that the Senator from Arkansas is right, that this whole proceeding is unjust to the Indians, and that something ought to be done to protect the Indians from that injustice.

Mr. CLAPP. Will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas, it rather strikes me that his amendment does not go to the root of the trouble here.

Mr. ROBINSON. I agree with the Senator that it does not.

Mr. CLAPP. While we perhaps could not on this bill, and it might be difficult at this time to get a provision that would readjust what has gone before, could we not at this time amend this by inserting after the figures "\$250,000" on line 18 the words "one-half," so as to read "\$250,000, one-half reimbursable in accordance with the provisions of the act of April 4, 1910"; and then after the figures "1910" on line 20 to insert "and the other half to remain and be a lien upon the land not allotted to or taken by Indians," or perhaps some other expression may be used as to the other half, so that as to this particular appropriation we would make one-half of it reimbursable and the other half not reimbursable out of the Indian fund, and to that extent relieve the Indians of insuring the final payment for the work?

The position of the Senator, I think, is right. While it is true that we use this money, and while it is undoubtedly true that this project will probably work out and be successful, and, of course, in that event if it proved successful it would be immaterial, I quite agree with the Senator that as to the half that is taken by white settlers we should advance the money directly and not hold the Indian fund responsible for it.

While I would be glad if we had the time to join with anyone and reach back and readjust the matter up to this point, in the absence of time to do that, this suggestion of mine, beginning with this appropriation, would at least meet the objection as to the amount appropriated against taking out the entire appropriation.

Mr. JONES. That would throw it into conference.

Mr. CLAPP. That would throw it into conference, and I think perhaps in conference the matter could be worked out in detail.

Mr. ROBINSON. The Senator has suggested an amendment which contemplates a change of method of financing this reclamation project?

Mr. CLAPP. Yes.

Mr. ROBINSON. That amendment, like the amendment reported by the Committee on Indian Affairs, would be subject to a point of order.

Mr. CLAPP. I realize, of course, that that amendment would be subject to a point of order; and still I do not know whether it would, either, because it is simply a limitation. We appropriate \$250,000 and add to that appropriation a limitation. On the other hand, I rather think, on reflection, that being a mere limitation upon that appropriation, it would not be subject to a point of order. But my suggestion was based on the thought that, it being the general desire here to put the matter in proper shape, there certainly would be no point made against what is manifestly desired by everyone, and that is to begin as soon as we can, at least, to put one-half of this burden upon the land taken by the white settlers.

Mr. ROBINSON. The suggestion offered by the Assistant Commissioner of Indian Affairs, which I read a few moments ago, could be easily framed into an amendment that would change the entire method of financing this irrigation project. There would be but very little trouble about it. We could provide not only that future appropriations which may be made should be reimbursable one half from the Indians and the remaining half from the white settlers, but we could also provide that the funds which have heretofore been charged as reimbursable against the Indians should be credited on their pro rata share of the payments. But the difficulty about that is that it is all subject to a point of order.

Mr. JONES. I think no one would make a point of order against it.

Mr. CLAPP. No one would make the point of order.

Mr. JONES. It would solve the problem. I suggest to the Senator from Arkansas to frame an amendment that would cover that.

Mr. ROBINSON. I shall be very glad to do so if the opportunity is offered. The amendment which I have offered, and it was not submitted until after consultation with some authorities



of the Government, who, while they do not stand sponsor for changing the method of financing this reclamation project, realize that an injustice is being done to the Indians under the present system. My thought is that if we put a limitation upon the appropriation so that we must have the approval of the Attorney General in so far as the rights of the Indians are concerned, if he has any doubt that the Indians are being properly protected he might suggest a way out of the difficulty which would enable us hereafter to provide an adequate remedy.

Mr. CLAPP. Will the Senator from Washington pardon me? Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas to the matter, it seems to me the difficulty with his plan is this: Here we have made large appropriations for this work. While I am not familiar with the details of the work, I am rather inclined to think that there should be made appropriations at this time to carry the work forward.

Mr. ROBINSON. Has the Senator prepared an amendment which he thinks would cover the proposition?

Mr. CLAPP. I want to finish the suggestion. I think it would be unfortunate to delay this work if we can allow the work to go on under a provision that will make a just application of the cost of it, because I do know that it often happens in these works that if you delay them you lose a great deal of that which has been invested in the work.

I may be mistaken, but I do not believe a point of order would be made against it if we could frame an amendment here that would allow the work to go right on and at the same time protect the Indian fund from the burden of an assurance of the success of the work. As to the land taken by the white men, it seems to me it would not be better, with all due deference to the Senator, to refer the matter to the department and possibly hold up this entire work.

Mr. ROBINSON. Mr. President, I am entirely willing to accept that suggestion, and I shall be very glad, if I am assured that no point of order will be made, to submit the amendment.

Mr. CLAPP. I can not assure that, of course, but it is my suggestion to the Senator from Arkansas.

Mr. ROBINSON. I offer this amendment, Mr. President.

The VICE PRESIDENT. There is already one amendment pending.

Mr. CLAPP. I have not offered it. It is more of a suggestion.

Mr. ROBINSON. I suggest to the Senator that he put the amendment which he has suggested in form to be presented to the Senate. I can then—

Mr. CLAPP. I have it here in form, and I will submit it to the consideration of the Senator. As I said, it only begins now. It does not reach back and adjust matters. After the figures "\$250,000," page 43, line 18, insert the words "one half," so that it will read:

Two hundred and fifty thousand dollars, one half reimbursable in accordance with the provisions of the act of April 4, 1910—

That is the old law. Then, after the figures "1910," on line 20, insert the words:

And the other half to be and remain a lien upon the land not allotted to or taken by Indians.

It might be worded better than that, and in view of the evident acquiescence of the Senator, I suggest that we pass over the amendment for a few moments.

Mr. ROBINSON. I have no objection to that suggestion.

Mr. JONES. Mr. President, I want to make just one or two other suggestions, and then I will be through. I have not read the hearings in reference to this matter. This proposition has been suggested, and the plan which we have just been discussing occurred to me as I heard it discussed as being a proper and fair way to deal with this matter.

Now, in reference to the water-right proposition, from the statement made by the Senator from Montana [Mr. MYERS], it seems to me there really is no question of interference with State laws, or anything of that sort. I should like the attention of the Senator from Utah [Mr. SUTHERLAND] to this particular proposition, because he has given it much more thought than I have. It seems to me, I say, from the statement of the Senator from Montana [Mr. MYERS], that there is no question of interference with State laws here, because he said that the water secured by this work was secured largely by storage or in reservoirs. In other words, the Government, or the Indians, or whoever pays for the work of storing surplus water, and as long as it keeps that in storage—and it can hold it in storage as long as it wants—it is the owner of it, just the same as a man owns a piece of land; and it can distribute the stored-up water just as it sees fit, to whomsoever it sees fit, and upon

what terms it sees fit. There is, it seems to me, no interference with State laws or regulations. If the statement is correct that the Government shall furnish water that is largely stored water, that simplifies the matter very much and takes out the suggested interference with the State law.

Mr. CLARKE of Arkansas. Mr. President, I will say to the Senator from Minnesota [Mr. CLAPP] the amendment which he proposes is fundamental. It goes to the entire irrigation movement in the West. Nobody has ever yet heretofore sought a direct appropriation from the United States Treasury for the purpose of constructing these irrigation works. They have what is known as the Reclamation Service out there, made up of contributions by the General Government. That serves as a sort of limitation upon the amount.

If you set a precedent in this particular case of allowing the United States Government to construct these improvements and look to an indefinite time and to an indefinite source when it is utilized and it will be reimbursed, it opens up a phase of it that has not heretofore been discussed. It is too late in the consideration of the bill to do so intelligently and effectively now. There is a great desire that this particular bill should be out of the way, so that some important matters standing behind it may receive consideration, and if no one else makes the point of order against the amendment I will do it myself.

Mr. SUTHERLAND. Mr. President, of course, none of us want to do these Indians any injustice; and it would be a very great injustice if their moneys were used to build an irrigation plant, and the benefit of it should go to the white settlers without any payment on the part of the white settlers for it. But the white settlers will pay for whatever water they use. They are to pay for it, I understand, at the rate of about \$40 an acre, the Indians, of course, in one sense, advancing the funds which are necessary to build the irrigation plant to begin with. In other words—

Mr. CLARKE of Arkansas. The Senator is mistaken about that. My colleague says the United States Government furnishes the money.

Mr. SUTHERLAND. That is true. I did not begin quite far enough back. In the first place, the United States Government advances the money. Then it looks, first of all, to the Indians to reimburse the Government for the funds which it has utilized for that purpose. Then, in turn, to the extent of the water that is used by the white settlers, the Indian fund looks to the white settlers for reimbursement. So ultimately the white settlers will pay for the water they get and the Indians will pay for the water they get. The only question is whether in the meantime the Indians will really get any benefit for their advancements. These lands are sold at from four to seven dollars per acre; and I assume that they would not be sold for as much if it were not for the fact that the lands have a prospective water right. That being so, the Indians do get a benefit, and a very great benefit, for their advancements. The Government first advances the money, then the Indians reimburse the Government; and the benefit which the Indians get for the advancement, which is ultimately repaid to them, is that they obtain a bigger price for the land they sell.

Mr. LANE. Mr. President, I should like to call the Senator's attention to the fact that that proposition is very much questioned; in fact, we are informed that as to those lands or similar lands in other reservations of the hilly country which never can be irrigated the price is from \$10 to \$12 an acre. Four dollars to \$7 an acre is no price for land, as everybody knows who has ever been in that portion of the country.

Mr. SUTHERLAND. Of course the price paid for public lands depends upon a variety of circumstances.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I will do so in a moment. My understanding is that as to those lands which are now sold at from \$4 to \$7 an acre that price is obtained because there is provision made for the building of irrigation works. Therefore the white man who purchases the land at that price pays that much because he has a prospective water right for the land. If this irrigation plant were not built at all and were not arranged for, then the lands would not sell for anything like the price for which they have sold. Now I yield to the Senator from California.

Mr. WORKS. But suppose under the terms and the conditions of this appropriation this project should fail, who would be the loser?

Mr. SUTHERLAND. I presume that the Indians would ultimately be the losers.



Mr. WORKS. Certainly. They are required to take upon themselves a responsibility that is not imposed upon the white man. There is not any justice at all in that, Mr. President.

Mr. SUTHERLAND. But the Indians are selling their lands, I repeat, at from \$4 to \$7 an acre, because the white man who buys them relies upon this project not being a failure.

Mr. WORKS. That may be so as to a part of the land, but the ultimate outcome of it is that the Indian will be the loser and the white man will get off scot free.

Mr. MYERS. I should like to interject the suggestion that if it were not for the prospects of getting water, the land would not be worth 50 cents an acre.

Mr. SUTHERLAND. I know that lands have been sold in the Uintah Reservation, Utah, where there is no prospect of irrigation, for as little as 50 cents an acre. They are sold at public auction; they can not be sold even for the Government price of \$1.25 an acre; but they are sold at auction at 50 cents an acre. I imagine that the same thing would be the case in this instance. The Indians are engaged in the enterprise in that view of it, and it really puts them in a better financial situation than if they did not advance the money to build these irrigation works.

Mr. CLAPP. Mr. President—

Mr. JONES. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I call the attention of the senior Senator from Arkansas [Mr. CLARKE] to the fact—which also accords with our general experience, I think, in irrigation projects—that you go along to a certain point with one of them, and if you then stop you necessarily entail a great deal of loss. I think that will be admitted by everyone. This expenditure which would be imposed upon the Government outside of the Indian fund would amount to only \$125,000.

Mr. CLARKE of Arkansas. It is the precedent which it would establish which makes it objectionable.

Mr. CLAPP. I know it is the precedent to which the Senator objects; but it is not necessarily a precedent, because we are in such a situation that if this is delayed and this appropriation fails, it is going to be an injustice to the Indians; it is going to entail a loss; and it would seem to me that under those circumstances—

Mr. CLARKE of Arkansas. How can it fail? It has passed the House of Representatives and it has passed the Senate. Who is talking about any course of conduct that will ultimately create a condition where it will fail? Who is talking about making it fail?

Mr. CLAPP. If the amendment proposed by the junior Senator from Arkansas [Mr. ROBINSON] prevails, it would then leave this matter to be referred to the Attorney General upon a question involving largely, I take it, the right of the Federal Government with reference to controlling the waters in view of the State laws. The Attorney General might hold that legally the Federal Government could not exercise that jurisdiction over those waters.

Mr. CLARKE of Arkansas. If there is any legitimate doubt about the powers of the Federal Government in dealing with waters on Indian reservations, it ought to be settled.

Mr. CLAPP. That is not the doubt at all; no one will question the right of the Federal Government under the law to provide for irrigation projects upon Indian reservations; but whether in connection with such projects the Federal Government can successfully attempt to give to the Indian beneficiary any right which would not under the State law be vested in a white citizen is a question.

Mr. CLARKE of Arkansas. I take it the right to divert water from Milk River, this very reservation, is res adjudicata. The Supreme Court of the United States has decided that that right exists. Whether or not it is right as a general principle, it is right in that case.

Mr. CLAPP. I know the Supreme Court has made that decision.

Mr. CLARKE of Arkansas. Then why does the Senator inject into this discussion all these doubts which he now enumerates?

Mr. CLAPP. The Attorney General might render a technical opinion in this case that probably under the amendment proposed by the junior Senator from Arkansas would postpone this appropriation.

Mr. CLARKE of Arkansas. All those matters can be worked out in conference.

Mr. CLAPP. Or defeated entirely; and I believe that would be a very great misfortune.

Mr. CLARKE of Arkansas. I do not regard it as any misfortune, because I do not regard it as at all probable. What the amendment requires the Attorney General to determine is as to whether or not the Indian, whose land furnishes the security for this lien, will be benefited by this project. I do not

know just exactly what evidence the Attorney General would take into consideration in rendering his opinion. Therefore I do not know what he will decide.

Mr. CLAPP. I think the Senator from Arkansas will find that the amendment goes further than that if he will have it again stated.

Mr. CLARKE of Arkansas. The objection to the amendment proposed by the Senator is that it changes the contract with the white man who purchases Indian lands. You can not make a new contract for a person in his own right; you can do it for a ward, but you can not do it for a person sui juris, as the lawyers call it, without consulting him, without his consent.

Mr. CLAPP. This would not change the contract between the Government and the white settlers at all.

Mr. CLARKE of Arkansas. You intend to impose a lien upon his land that he has not contracted shall go there.

Mr. CLAPP. I beg the Senator's pardon. He has contracted that it shall go there. Every foot of that land is subject to this lien.

Mr. CLARKE of Arkansas. Then you do not need any more legislation.

Mr. CLAPP. If the Senator will bear with me, I wish to say that if the project works out successfully and the land is sold and the lien is enforced, then the Indians will not lose anything.

Mr. MYERS. Mr. President—

Mr. CLAPP. Just a moment. The only change the amendment proposes to make is that, instead of leaving the Indian fund as the insurance for the success of this project, the Federal Government would assume one-half of the risk of the contract. That is the effect of the amendment. It does not change the contract relation with the men upon the lands.

Mr. MYERS. I should merely like to interject a remark here. I am glad to hear the Senator from Minnesota [Mr. CLAPP] make the statement, and make it clear, that there is a lien on the land of these white settlers for the money for carrying out this project, because there has been much said here to lead Senators who are not informed on the subject to believe that the lien was only on the Indian land, and that the white settler was incurring no obligation at all.

Mr. CLARKE of Arkansas. The Senator from Montana [Mr. MYERS] made a very clear, lucid, and satisfactory explanation of that when he occupied the floor some time since. In the last analysis the real security for the money that is being advanced is the land. The Indians are not advancing the money now; they are not immediately the sureties for the repayment of the money; they have no credit; they have no assets outside of the reservation and the fund raised from the sale of surplus lands. It is a mere play upon words to talk about their being the ultimate security for anybody. The actual security for the lien is the land itself, and the actual lender will be the United States Government.

The scheme proposed by the amendment offered by the Senator from Minnesota is an entirely new one. It is objectionable because it will form a precedent in a great number of projects, and it will furnish the basis of appeals that will be constantly made here to make more liberal provision for every other project in the country. We have not discussed it; we do not understand it; we have not time to work it all out in equity and justice this afternoon, and I object to it on that score.

Then, it raises a very serious question as to whether, after a contract has been made and its ultimate limits have been defined by the parties to it acting in their own right, it can be changed by an act of Congress without their consent. I know it can not be. For that reason I think it is best to let this partial appropriation be made just as others have been made. It seems that it will require \$4,000,000 more to complete the project; that much of the work necessary to consummate that great undertaking remains to be done hereafter; and it seems to me that if the million and a half already spent is properly safeguarded the additional \$250,000 which is sought to be appropriated by this bill can share the same fate; and if it shall hereafter become necessary to modify the laws on this subject of irrigation, we ought to do so systematically and after a full understanding of what we are doing.

Mr. CLAPP. If the Senator from Arkansas will pause a moment, the Senator's first objection, of course, is a valid one if it is persisted in. The amendment does change the policy as to the appropriation itself, but I have no hesitation in saying that it does not change the contract rights of the man upon the land.

Mr. SMITH of Arizona. Mr. President, I ask the Senator from Arkansas, from his long experience, and from the almost endless debate on the proposed amendment, if it is not the only way out of it for the Senate now to pass this bill?

Mr. CLARKE of Arkansas. Yes; right now.

Mr. SMITH of Arizona. And then to take up this other great question in its regular way and dispose of it with justice to both the white man and the Indian in a separate bill?

Mr. CLARKE of Arkansas. Yes.

Mr. SMITH of Arizona. Why not pass the bill now? We have been talking upon these amendments for four or five or six days and making points of order on them at the end of a four-hour debate. I suggest that we proceed with the bill.

Mr. CLARKE of Arkansas. I am entirely agreeable to the suggestion of the Senator from Arizona and will sit down.

Mr. ROBINSON. So far as I am concerned I am entirely ready for a vote upon the amendment.

SEVERAL SENATORS. Vote!

Mr. SUTHERLAND. Mr. President, I think we have been borrowing a great deal of unnecessary trouble about the whole Indian situation in Montana and in these other States. The fact about it is that six years ago we provided for the building of this particular enterprise, and because we provided for it, because we were going to expend upwards of \$6,000,000 in building a great irrigation enterprise, white settlers out there were induced to buy lands of the Indians and to pay for those lands a larger sum of money than they would have paid if it had not been for the irrigation project. These white settlers have some rights to be considered. I venture to say that if we had not provided for these irrigation works those lands would not have sold for one-half what they are now selling for. Some of them probably would not have sold, as the Senator from Montana [Mr. MYERS] has said, for more than 50 cents or a dollar an acre.

Now, having brought about that situation, these Indians are benefited, and they will in the end get a very large sum of money in the enhanced price of the lands which they would not have obtained except for the building of this irrigation plant. So that it does not seem to me that they are going to suffer or that we are doing any injustice to them. I think we ought to continue the policy which we have entered upon and make this appropriation of \$250,000—and it really ought to be half a million dollars; it would be more economical to appropriate that much and finish this work—but we at least ought to make this appropriation of \$250,000 without any restriction or limitation upon it.

Mr. MYERS. Mr. President, I deny that the plan on which this project is being constructed is an unfair one or that it is unjust to the Indians. It was studied out by the Interior Department and the Indian Bureau and adopted by Congress in the beginning, and it has been bowling along smoothly without anyone ever questioning its wisdom or raising any doubt about it. The Indians have never complained, and no complaint was made from other sources until this year. For three years I have sat in the Indian Committee and they have recommended an appropriation of from \$250,000 to \$400,000 for this project each year, and nobody ever raised any question about the wisdom of the project or suggested any doubt about justice being done to the Indians. Former Senator Curtis, of Kansas, when a Member of the Senate, was a leading and active member of that committee and never opposed liberal appropriations for this project. He never raised any question about justice being done to the Indians, and I reaffirm that there has been no complaint from the Flathead Indians about their not getting their rights under this project.

This is the one project in the West where the Indians and the whites both want large appropriations; they want the work hurried along and prosecuted to a speedy completion. The sooner it is completed and the sooner water is put upon the lands, both of the Indians and the whites, the sooner the whites can pay for their lands and water and the sooner the Indian tribal funds will be reimbursed this money. To adopt any such amendment as is suggested here would cause a cessation of the work which is going on now. The supervising engineer would certainly not permit any more work to go on under this appropriation without waiting to see what the Attorney General is going to do; and if it is stopped at all, it will doubtless be stopped for this year. It costs much money to stop and start again a work like this, and if any hampering amendment is put on the work will doubtless be stopped for one year and not be resumed until next year, if, indeed, it is resumed then.

As I have said, it remained for Mr. Meritt, the Assistant Indian Commissioner, to raise doubt about this project and to instill fear into the minds of some members of the Indian Committee about the wisdom of this course; and yet, notwithstanding that, although Mr. Meritt condemns the system under which the project is being carried on, he went before the Indian Committee of the House and recommended that \$100,000 be appropriated for this year under the old system. If he thinks that it is a wrong and vicious system and that the Indians are

not getting their rights, then he recommended that \$100,000 be spent without the Indians getting their rights. The House committee appropriated \$100,000, that being the estimate for this year.

There has been a good deal said about the House only appropriating \$100,000. I want to tell something more about that. The Indian Committee did take his estimate and his word and appropriated only \$100,000, a mere dribble, the least that has ever been appropriated for this project. When the item was reported out of the committee and before the bill passed the House, my colleague [Mr. WALSH] and our associates in the House, Representatives EVANS and SROUT, were astounded that only \$100,000 should be recommended for this project, and all four of us went in a body to the Indian Commissioner to protest against such a small amount being allowed. The Indian Commissioner agreed then to let it go through the House in that way and to recommend to the Senate committee an increase, so as to make the amount \$250,000. It is true that he found some fault with the method of procedure, but he said that this year he would recommend to the Senate committee an appropriation of \$250,000, and that next year he would try to bring about some changes in the system under which the irrigation work was being constructed, and we agreed to help him in that effort. Then he agreed, as I have said, to recommend an appropriation of \$250,000 this year without any restriction or any proviso being attached to it. We left satisfied that \$250,000 straight, without any strings attached, would be recommended for this year.

Then, when it came up in the Senate committee and the paragraph was put on which has provoked—and I think justly—such strong objection from Senators from the arid States of the West, I was in the hospital. I went to the hospital feeling sure that \$250,000, without qualification, would be recommended by the Indian Commissioner this year and that the committee would take his advice, and I never heard about the proviso which was attached until after the bill had come out of committee into the Senate.

My colleague [Mr. WALSH] was unalterably opposed to that proviso, and expressed himself so to me in unqualified terms, and I have no doubt that if he were here he would be opposed to the pending amendment. My colleague was never invited to appear before the committee, nor to have anything to say about the appropriation, nor about this proviso attached to the appropriation, so that the first that we knew about it, as I have said, was when it came out of the committee.

I claim that it would be unjust and unfair to this project and to the Montana delegation in Congress to incorporate any such handicapping amendment in this bill as is now proposed. I believe such an amendment is likely to halt the work. I believe that a straight appropriation ought to be made this year, and then, as the Senator from Arizona [Mr. SMITH], I think, has suggested, if we want to enact a general law to change the basis of conducting irrigation enterprises in the future, and it can be done without any injustice to anybody, let us go at it in that way.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. MYERS. I yield, as usual, to the Senator from Vermont.

Mr. PAGE. I simply wish to have the Senator's mind refreshed in regard to the view of former Senator Curtis in regard to some of these Montana appropriations.

Mr. MYERS. I will be very glad to hear the Senator. I never heard Senator Curtis say a word against this item.

Mr. PAGE. Here is the record:

Senator MYERS. I would like to ask the gentlemen of the committee a question or two about this—

Referring to this identical project—

Do any of you doubt that the land is worth this money and that it will be reimbursed to the Government? Do you doubt that the security is sufficient?

Senator CURTIS. I do not know anything about this particular tract. I have tried to find your last year's hearing, but did not have time. There is one of these reservations in your State where the property owned by the Indians is not sufficient to reimburse the Government.

Mr. MYERS. Did he say which one it was?

Mr. PAGE. He said:

I do not know which one it is, but there is one of them, because—Senator MYERS. This certainly is not it.

Senator CURTIS. Because they showed that if you got all the money that the land was appraised at it would not then pay back the amount of money that we had advanced for irrigation.

Mr. MYERS. There is nothing to show that that refers to the Flathead Reservation; and, as a matter of fact, Senator Curtis joined me that year in voting for an appropriation for irrigation work on that reservation of \$400,000 without any qualification.

Mr. ROBINSON. Mr. President, if the Senator will yield to me for a moment—



Mr. MYERS. I yield to the Senator.

Mr. ROBINSON. I thought when the Senator from Vermont rose that he was about to read a statement on page 240 of the hearings before the Senate committee on this irrigation project, in which this colloquy occurred between the two Senators from Montana.

Mr. MYERS. The junior Senator from Montana [Mr. WALSH] was there as a spectator.

Mr. ROBINSON. He made a very illuminating statement, which I am about to read, with the Senator's permission.

Mr. MYERS. I am always glad to hear anything my colleague says.

Mr. ROBINSON. I read from the hearings:

Senator MYERS. There is a good deal of dissatisfaction expressed with the method of financing the plan on which it has been worked.

Mr. MYERS. That was this year.

Mr. ROBINSON (continuing):

What have you to say about that to the committee?

Senator WALSH. I am not very familiar with the plan that has heretofore been pursued. Of course there is only one plan that can in fairness, as it seems to me, be operated. It is not right at all to make the entire amount that is expended for this work reimbursable out of Indian funds; and, obviously, if all that portion is devoted to the improvement of land of the settlers, it ought to be made reimbursable out of the fund contributed by them, and some equitable basis of distribution ought to be arrived at as between the Indians' land and the settlers' land. So much as is properly assessable to the allotted lands of the Indians may very properly be made reimbursable out of the Indians' funds. As a matter of course it should be. Then so much of it as is properly assessable to the improvement of the lands of the settlers should be charged up against the lands of the settlers and be reimbursable in exactly the same way as the general reclamation fund is reimbursable.

Mr. MYERS. I will say, in answer to that, Mr. President, that I do not deny that it might have been just as well and perhaps better in the beginning to have started this work by taking one-half the money from the reclamation fund or from the General Treasury, if Congress would consent to any such procedure. As the senior Senator from Arkansas [Mr. CLARKE] has stated, Congress never has consented, and he doubts if it ever will consent, to such a plan, but if you could get Congress into a frame of mind to consent to it, I would not dissent from it; but the project has been carried on thus far on the present plan.

My colleague, just before he left here, expressed to me the strongest possible objection to the proviso that was put in by the committee. He said that he knew nothing about it, and that if he had he would have appeared before the committee and protested against it. He said he thought it ought to go out on a point of order or be defeated on a vote, and he hoped it would be. He was in accord with me about it.

As I have said, the Montana delegation was assured that the Indian Bureau would recommend a straight appropriation for this year of \$250,000, and we had no idea that any strings would be attached to it. Next year, if any way could be devised to switch it around to meet the objections which have been suggested by the senior Senator from Arkansas [Mr. CLARKE] and Congress could be induced to accept such a plan, we were willing to see if it could be done and to aid in bringing it about; but we think that there ought to be a straight appropriation this year.

This is the one project in the Northwest that everybody is satisfied with and wants pushed. As I have said, there has been no objection and no complaint from the Flathead Indians. Delegations of the Flathead Indians have come down here—not this year, but last year—and urged me to procure larger appropriations to push the prosecution of this work to a speedy conclusion. I have never had a line nor a scratch of a pen nor a letter from a Flathead Indian objecting to this project.

Mr. JONES. Mr. President, I should like to ask the Senator if he does not think the work could be done very much more economically if we would make much larger appropriations?

Mr. MYERS. Yes. Mr. Newell says that at least \$600,000 a year ought to be appropriated.

Mr. JONES. All work of that character can be prosecuted more economically if ample appropriations are made, as needed.

Mr. MYERS. As I have said, the Indians and the whites are both clamoring to have this work completed. If you halt this work, you do the greatest possible injustice to the Indian, because the Indian has got to get his money back out of the sale of land to the white man; and if the white man does not get water on his land, he can not make his payments. Therefore if you halt this work, the Indian will be the chief sufferer. It is to the interest of both the Indians and the whites to prosecute this work as speedily as possible, and I think this appropriation of \$250,000, in all fairness, ought to be made without any handicapping amendment, such as would be likely

to halt the work and break it off for this year. Then, if you want, after consulting the Indian Bureau and the Indian Committee, to see if a different scheme can be devised in order that the objection suggested by the senior Senator from Arkansas [Mr. CLARKE] can be overcome, why let us undertake that labor and take plenty of time to it, but this is no time to halt the work on the Flathead Reservation to engage in experiments.

I say that the land is amply good to secure the money, and all the testimony goes to show that. Testimony has been read here by the Senator from Arkansas [Mr. ROBINSON], which he offered himself, showing that the land with water on it is worth from \$100 to \$500 per acre. Do you have any doubt that land of that character, or land worth from \$50 to \$100 per acre, is going to fail to bring enough to pay back to the Indians from \$4 to \$7 an acre and about \$30 or \$40 an acre, the cost of putting water on the land? I say that there can be no manner of doubt about it. They talk about the white man making a failure. Now, I will tell you why that can not affect the Indian in any way whatever. Let the white man go on the land; let him prove shiftless and thriftless and not able to make his payments; say that he makes two or three payments on the land and two or three payments for the water, but he is always trifling and not much of a farmer; his crops fail; he does not meet his payments. Do you not know that the Government retains as a forfeit the money that he paid, and, if he fails or lapses in any of his payments, the Government keeps what he has paid as a forfeit, and that same land is sold to other purchasers at the full price; so that the Government gets its money for the land, and then it goes into the Indian funds? So there can be no chance of the Government losing, and there can be no chance of the Indian funds losing.

This matter was carefully studied out by men who are careful, conscientious, and scrupulous, and who, I believe, wanted to do what was right. The work has been going along nicely, although with inadequate appropriations, it is true. Everybody wants it hurried along; there has been no complaint in regard to this particular project; and, I say, the sooner it is completed the better for the Indians and for all concerned. I think that the amendment ought to be rejected and that a straight appropriation of \$250,000 ought to be made. If there is nobody else who particularly desires to discuss the matter—

Mr. LANE. Mr. President—

Mr. MYERS. I will move that the amendment be laid on the table. I will withhold that motion, if the Senator from Oregon wishes to be heard.

Mr. LANE. Mr. President, I wish to say just a word. The general subject was brought up in the committee, and what attracted my attention to it was that there was said to be a provision in the law of 1907 which restricted the time in which the Indian was allowed to make his improvements upon the land. If he did not make them within a certain time, which was only a few years, I think, he lost his water rights. In the meantime he was furnished no tools and given no means with which to make improvements; so the inevitable result would be that he would lose his water rights. Then this series of questions of the department representatives came about. They recommended the appropriation of \$100,000, for the reason, as I understand, that they feared that that was what would happen; and they did not care to go on and spend more money than this, and they offered another proviso by which they would not lose their rights through lack of usage under the State law.

The white man, under the new law which we passed this year, has been granted an extension of time, which makes it a period of 20 years in which to make his payments on the land, and he is allowed from 5 to 7 years to make his improvements. It seemed to me and to the committee that if the Indian's lands were being mortgaged—his dry lands, his hill lands, as well as the bottom lands—and tied up for the cost of this expenditure of money in order to reclaim the land of the whites as well as his own land, he ought to be allowed a reasonable time in which to make his improvements and given an opportunity to do so.

I can quite understand how the Commissioner of Indian Affairs and the Indian Bureau would feel when the entire Montana delegation descended upon them, but when we questioned them they did say that it was unfair to put the whole cost upon the Indians.

Mr. MYERS. Now I make my motion to lay the amendment on the table.

Mr. TOWNSEND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Ransdell	Sutherland
Bristow	Lane	Reed	Thomas
Bryan	McCumber	Robinson	Thompson
Chamberlain	Martine N. J.	Stafoth	Thornton
Chilton	Myers	Sheppard	Tillman
Clapp	Nelson	Shields	Townsend
Clarke, Ark.	Newlands	Shively	Vardaman
Cummins	Norris	Simmons	White
Dillingham	Overman	Smith, Ariz.	Williams
Fletcher	Owen	Smith, Ga.	Works
Gore	Page	Smith, Md.	
Hitchcock	Perkins	Sterling	
James	Pomerene	Stone	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Montana [Mr. MYERS] to lay on the table the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. On this question I should like to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber. He is paired with the senior Senator from Ohio [Mr. BURTON].

Mr. SHIELDS (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is temporarily detained from the Chamber on important business. I understand he is paired with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Virginia [Mr. SWANSON] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. Not having any transfer, I will withhold my vote.

Mr. WILLIAMS (after having voted in the negative). I inquire whether the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and therefore must withdraw my vote.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Nevada [Mr. PITTMAN], and will allow my vote to stand.

The result was announced—yeas 18, nays 25, as follows:

#### YEAS—18.

Camden	McCumber	Reed	Sutherland
Chilton	Martine, N. J.	Stafoth	Thornton
Clarke, Ark.	Myers	Simmons	Tillman
Gore	Newlands	Smith, Ariz.	
James	Overman	Smith, Ga.	

#### NAYS—25.

Ashurst	Jones	Pomerene	Thompson
Bristow	Lane	Robinson	Townsend
Bryan	Nelson	Sheppard	White
Chamberlain	Norris	Shields	Works
Clapp	Page	Shively	
Cummins	Perkins	Sterling	
Dillingham	Polindexter	Stone	

#### NOT VOTING—53.

Bankhead	Burton	Culbertson	Goff
Borah	Cañon	du Pont	Gronna
Brady	Clark, Wyo.	Fall	Hitchcock
Brandeggee	Colt	Fletcher	Hollis
Burleigh	Crawford	Gallinger	Hughes

Johnson	McLean	Saulsbury	Vardaman
Kenyon	Martin, Va.	Sherman	Walsh
Kern	O'Gorman	Smith, Md.	Warren
La Follette	Oliver	Smith, Mich.	Weeks
Lee, Tenn.	Owen	Smith, S. C.	West
Lee, Md.	Penrose	Smoot	Williams
Lewis	Pittman	Stephenson	
Lippitt	Ransdell	Swanson	
Lodge	Root	Thomas	

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Pittman	Stone
Bankhead	James	Polindexter	Sutherland
Bristow	Jones	Ransdell	Thomas
Bryan	Lane	Reed	Thompson
Camden	McCumber	Robinson	Thornton
Chamberlain	Martine, N. J.	Stafoth	Townsend
Chilton	Myers	Sheppard	Vardaman
Clapp	Nelson	Shields	White
Clarke, Ark.	Newlands	Shively	Williams
Crawford	Norris	Smith, Ariz.	Works
Cummins	Overman	Smith, Ga.	
Dillingham	Page	Smith, Md.	
Gore	Perkins	Sterling	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is, Shall the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] be laid on the table? Upon that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I announce my pair as on a former vote, and vote "yea."

Mr. CHAMBERLAIN (when his name was called). Again announcing my pair, I transfer it to the junior Senator from Maryland [Mr. LEE], and will vote. I vote "nay."

Mr. CHILTON (when his name was called). Announcing my pair as on the former vote—on which, I believe, I voted wrongly, not understanding the question—I vote "nay."

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. Not knowing how he would vote if present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE (when his name was called). Announcing my pair and its transfer as on the previous vote, I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

The roll call was concluded.

Mr. MCCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], and to say that he is paired with the senior Senator from Maine [Mr. JOHNSON].

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from South Carolina [Mr. TILLMAN] and will allow my vote to stand.

Mr. CLAPP (after having voted in the negative). I inquire whether the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. Having a general pair with him, and not knowing how he would vote if present, I withdraw my vote, unless a transfer can be arranged in order to make a quorum.

Mr. HOLLIS. I wish to announce the unavoidable absence of the senior Senator from Maine [Mr. JOHNSON], and to state that he is paired with the junior Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP. In order to make a quorum, notwithstanding my pair, I vote "nay."

Mr. THOMAS. I am informed that my vote is necessary to make a quorum. For that reason I vote "yea."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

The result was announced—yeas 19, nays 31, as follows:

#### YEAS—19.

Bankhead	McCumber	Reed	Sutherland
Borah	Myers	Stafoth	Thomas
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Williams
James	Pittman	Smith, Md.	



## NAYS—31.

Ashurst	Cummins	Page	Sterling
Bristow	Dillingham	Perkins	Stone
Bryan	Hitchcock	Polindexter	Thompson
Camden	Jones	Pomerene	Townsend
Chamberlain	Lane	Ransdell	Vardaman
Chilton	Martine, N. J.	Robinson	White
Clapp	Nelson	Sheppard	Works
Crawford	Norris	Shively	

## NOT VOTING—46.

Brady	Goff	Lodge	Smith, Mich.
Brandeggee	Gronna	McLean	Smith, S. C.
Burleigh	Hollis	Martin, Va.	Smoot
Burton	Hughes	O'Gorman	Stephenson
Catron	Johnson	Oliver	Swanson
Clark, Wyo.	Kenyon	Owen	Tillman
Colt	Kern	Penrose	Walsh
Culberson	La Follette	Root	Warren
du Pont	Lea, Tenn.	Saulsbury	Weeks
Fall	Lee, Md.	Sherman	West
Fletcher	Lewis	Shields	
Gallinger	Lippitt	Simmons	

So the Senate refused to lay Mr. ROBINSON'S amendment on the table.

Mr. MYERS. Mr. President, I will simply say, on this main question, that I think this amendment is useless, unfair, unjust, and unreasonable; that it will merely halt work on a great reclamation project in Montana for an indefinite length of time; and do that project incalculable damage, as it can not be halted and resumed again except at a great cost of money.

I hope that the amendment will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. MYERS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote on this question, I withhold my vote unless it becomes necessary to make a quorum.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the Senator from Illinois [Mr. SHERMAN]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire again to announce the necessary absence of my colleague [Mr. SMITH] and his pair with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I announce my pair with the Senator from Wyoming [Mr. CLARK] and the transfer as on the last vote. I vote "nay."

Mr. WILLIAMS. Announcing my pair with the senior Senator from Pennsylvania [Mr. PENROSE], I withhold my vote.

The roll call was concluded.

Mr. CHILTON. I announce my pair and transfer as before and vote "yea."

Mr. THOMAS. I again announce my pair with the Senator from New York [Mr. ROOT], and withhold my vote.

Mr. CHAMBERLAIN. Again transferring my pair to the junior Senator from Maryland [Mr. LEE], I vote "yea."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. OWEN. I am paired with the Senator from New Mexico [Mr. CATRON].

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from North Carolina [Mr. SIMMONS] and vote "nay."

Mr. OWEN. I understand that if my vote is necessary to make a quorum I have a right to vote. I should like to be informed as to that. I vote "yea."

The VICE PRESIDENT. There is a quorum without the Senator's vote.

Mr. OWEN. Then I withdraw my vote.

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Rhode Island [Mr. COLT]; that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]; that the Senator from New York [Mr. O'GORMAN] is paired with the Senator from New Hampshire [Mr. GALLINGER]; that the Senator from Montana

[Mr. WALSH] is paired with the Senator from Rhode Island [Mr. LIPPITT]; and that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

The result was announced—yeas 29, nays 20, as follows:

## YEAS—29.

Ashurst	Cummins	Norris	Sterling
Bankhead	Dillingham	Page	Thompson
Bristow	Hitchcock	Perkins	Townsend
Bryan	Hollis	Polindexter	Vardaman
Chamberlain	Jones	Pomerene	White
Chilton	Lane	Ransdell	
Clapp	Martine, N. J.	Robinson	
Crawford	Nelson	Sheppard	

## NAYS—20.

Borah	Myers	Shively	Sutherland
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Tillman
James	Pittman	Smith, Md.	Williams
McCumber	Shafroth	Stone	Works

## NOT VOTING—47.

Brady	Gallinger	Lodge	Simmons
Brandeggee	Goff	McLean	Smith, Mich.
Burleigh	Gronna	Martin, Va.	Smith, S. C.
Burton	Hughes	O'Gorman	Smoot
Camden	Johnson	Oliver	Stephenson
Catron	Kenyon	Owen	Swanson
Clark, Wyo.	Kern	Penrose	Thomas
Colt	La Follette	Reed	Walsh
Culberson	Lea, Tenn.	Root	Warren
du Pont	Lee, Md.	Saulsbury	Weeks
Fall	Lewis	Sherman	West
Fletcher	Lippitt	Shields	

So Mr. ROBINSON'S amendment was agreed to.

Mr. GORE. On page 78, following the last amendment adopted this morning, and in relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], I submit an amendment.

The VICE PRESIDENT. To what part of the bill does the Senator from Oklahoma offer the amendment?

Mr. GORE. Following the amendment adopted early in the day in relation to attorneys' fees. The amendment bore relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], which was adopted. I think it ought to follow the amendment in relation to attorneys' fees. It is not a part of that amendment; it is an independent amendment. I offer it to come in at the appropriate place. It is not necessary to indicate the exact line.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment heretofore adopted on page 78:

The Choctaw and Chickasaw Nations are hereby authorized to file a suit in the Court of Claims by their tribal attorneys against the United States within 60 days after the passage of this act for the purpose of ascertaining the amount due said nations from the United States for the land embraced in the "leased district" lying between the ninety-eighth and one hundredth meridians of west longitude and the Canadian and Red Rivers, and the Court of Claims is hereby authorized to ascertain the amount due the Choctaw and Chickasaw Nations upon the principles of justice and regardless of treaty technicalities and to render judgment therefor in favor of the Choctaw and Chickasaw Nations: *Provided*, That judgment shall not be rendered in favor of the Choctaw and Chickasaw Nations for an amount to exceed \$1.25 per acre for the land embraced in said "leased district" exclusive of the Cheyenne and Arapahoe country and exclusive of lands allotted to other Indians, and there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay the award of the Court of Claims in said suit.

Mr. WILLIAMS. Mr. President, I should like to have some information from the Senator from Oklahoma—

Mr. ASHURST. If the Senator from Mississippi will pardon me a moment—

Mr. WILLIAMS. Certainly.

Mr. ASHURST. I regret that my duty leads me to make a point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. I offer the amendment which I send to the desk and ask that it be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. After line 2, on page 67, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of \$5,000 and interest thereon at the rate of 5 per cent per annum from May 25, 1883, in full payment of the award made on said date by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 16, 1884, and again reaffirmed by decision dated April 26, 1886.

Mr. ASHURST. Mr. President, my duty requires me to make a point of order against this amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. May I ask with all due deference to the ruling of the Chair as to the ground on which the point of order is made and sustained?

The VICE PRESIDENT. It has been made three times, I believe, during the progress of this bill under the fourth clause of Rule XVI, namely, that it is a private claim offered to a general appropriation bill.

Mr. STERLING. The same point was made when the bill was before the Senate at the last session and as against the point of order the statement was made that it was for the purpose of carrying out the provisions of a treaty and the presiding officer, being the same presiding officer now occupying the chair, overruled the point of order.

The VICE PRESIDENT. There is no question of doubt about that; but the presiding officer rules on the point made by the Senator who raises it, and not on the rules of the Senate. The point then was that it was general legislation, and no attention was called at that time to the fact that it was a private claim. At this time, however, the fourth clause of Rule XVI is invoked, which presents an entirely different question. It is not the business of the presiding officer to hunt reasons for sustaining points of order; it is the business of the Senator making a point of order to state the ground upon which he rests it. The bill is in the Senate and open to further amendment. The question is, Shall the amendments be engrossed, and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LANE. Mr. President, there are some facts which pertain to the Indian question which I think, in a general way, are of interest, and to which I wish to call attention briefly.

The Indians are a different type of people from the whites. They have always held their property in common; they are communists, in a way; they are socialists; and for that reason it is hard to teach them to be thrifty. I do not suppose that we shall ever accomplish that.

The Indians of the far west coast have a sort of religion—or a custom, at least—which has been practiced for generations, to this effect: If an Indian succeeded in becoming what was known as a rich man, if he became wealthy, if he acquired a large number of horses or blankets or furs, he held what was called a potlatch. He called together all the Indians from all over the country to meet at his camp on a certain day. At that time he gave away everything he had; he stripped himself to his breechcloth, and he went out into the world flat broke and to begin all over again.

As a physician for 40 years I have tried to find the potlatch germ, the potlatch bug. I wanted to secure it in order to inoculate it into the systems of some of the wealthier class of the white people of this country. I think it would be good if we could instill into them some idea of such a distribution. The Indian will never perhaps become a thrifty man; but, under the system by which we, as his guardians, conduct his affairs, it is absolutely impossible for him to get ahead in this world.

For instance, under the items of support and civilization of the Indians which have been carried for years and years and for which hundreds of thousands and millions of dollars have been expended there has been but a modicum, a mere trifle of that money expended either for the support or the civilization of the Indian. It has been used to pay salaries for a lot of gentlemen appointed to administer his affairs. We appropriate money to employ farmers to teach the Indian how to farm, but we give him no lands upon which to farm and no implements with which to farm. That is the general rule, though there are exceptional cases. If you go upon the majority of the reservations of this country you will find a dozen or 20 Indians using the same plow, borrowing one from another. Farming can not be successfully conducted in that way. A white man can not do it, and an Indian can not be justly censured if he does not succeed.

To begin with, the Indian is not a farmer; he never was a farmer. I have been among Indians who still wore their hair to their waists and traveled about in breechcloths and leggings. I never knew an Indian who could farm. He would send his wife out to dig canna and wapato for vegetables, but he lived upon game and fish. The Indian is naturally a hunter and a fisherman. It is hard to make a farmer of him, and with the methods we use we never shall make a farmer of him. The Indian is a good horseman, and I think he would make a good stockman. If we would spend our money in supplying some of the Indians who are fitted for it, such as the Blackfeet and the Indians of the Plains, with horses, he would be very likely to make a success of that or of stock raising. But, above all

things, the Indian was a warrior; he liked to hunt and to fight. Here was a great opportunity that this Government has missed for all these years and is missing to-day.

The Indian upon the reservations, through the change in their method of living, by which they have gone out of the tepee and into the house with bad ventilation, is dying of tuberculosis at a rate that is four times as great as the percentage of deaths from that disease among the whites. It is a pitiable condition, for he was a healthy, outdoor human being before he was confined to a house, and if he lived in the old tepee tent to-day he would again be healthy, for the reason that it was the best-devised human habitation that the mind of man ever invented so far as ventilation is concerned. It was built on the plan of the old cupola furnace, by means of which every bit of iron in the world was smelted before the blast furnace was invented, all the circulation of air being out through the top. When he lived in that way he was healthy, also he was a man who loved to hunt and fight; and if this Government had taken advantage of his natural disposition and requisitioned him as a cavalryman, had given him a horse, and made him live as the Arab does, out of doors and in his tepee, and allowed him to carry his family with him, or those who wished to do so—and the majority of them do—we would have had a magnificent body of cavalrymen, the finest in the world, who would be true to the country and who would have loved to fight for it and who would have been particularly adapted to the work. We would have employed him in a service in which he would be useful. I repeat we shall never make a farmer of him.

The Indian is a good pilot. He is a good swift-water man, the best swift-water pilot in the world; whether on the Yukon or Stikine River, the swiftest water that we have in America, he is the best man that you can put in the pilot house. They read water as they read all other signs of nature, with an intuition that they have inherited from generations down; they read it as no white man can. They have a better eye than a white man has. It has been developed in their centuries of experience, but we do not give him a chance or opportunity to use any of these gifts which God has given him to a degree far in excess of any which we possess, but we pinch him down and place him under restrictions and try to make a farmer of him. It is a mistake.

I am not going to say anything more than that. I merely wished to impress upon the Senate if I could that I think the whole scheme of our management of the affairs of the Indian is a mistake. It is wrong; it is expensive to the Government; it is fatal to the Indians, and we in the Senate through ignorance, not knowing the conditions which prevail among them, are passing much bad legislation, which, in my opinion, later along will come back to vex us in the way of just claims against the Government. A horde of hungry attorneys, who are now trying to get legislation through for some personal benefit, will after a while be here again as the attorneys against the Government to recover claims because of the legislation which they did all they could to secure the passage of at the hands of this body.

I wish to call your attention to some of the facts as they exist—it is pitiful; it is awful; it is almost too bad even to tell—there is, for instance, one tribe which has \$300,000 in cash on deposit with the Government, for which I presume—I do not know—they are entitled to some sort of interest; they have \$300,000, or something like that amount, which is paid in their behalf to their agent, to employees of the Indian Bureau for rental of their lands; they have an annuity of some \$20 a year due to each individual, and yet last year with all of this income some of those Indians are said to have starved to death; they and their children, poor little consumptive children, dying with that horrible disease, compelled to live on a mixture of flour and potatoes ground up and boiled down in water. One Indian of that tribe wrote an appealing letter to a stockman, which was sent to me, asking his permission and telling him, "You know I am an honest man, for I have never defrauded you, and I ask your permission to allow me to go upon the plains and eat such dead cattle of yours as have died of disease and starvation." These Indians possess property worth millions upon millions of dollars.

There is something wrong, gentlemen, in our administration of these affairs. The fault lies in the scheme, in the plan. It is not due to individual crime or sin, but there is a collective blame upon this Government; and until we purge ourselves of this condition and look into it and give the Indian the employment to which he is adapted and shut off the wretched, dishonest, petty grafting that he is subjected to, I do not see how it can lie in our mouths to go before the world and say that we have a civilization or a lesson to teach to the people of the



Philippine Islands or a whisper of information to transmit to the unfortunate people of Mexico.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

#### FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I give notice that to-morrow, at the close of the morning business, I will address the Senate on the bill for the creation of a Federal trade commission.

I now move that the Senate take up for consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. JONES. I hope the Senator will not make that motion this afternoon. Very few Senators are present at this time. He can make the motion to-morrow. I do not want to have to suggest the absence of a quorum, but I shall feel disposed to do it if the Senator now insists on the motion. I have no objection to the bill being made the unfinished business to-morrow.

Mr. NEWLANDS. Very well, Mr. President. As there is no probability of a quorum being secured, I will renew the motion to-morrow morning.

#### EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 25, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate June 24, 1914.*

##### PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Civil Engineer Frank T. Chambers, with rank of commander, to be a civil engineer in the Navy with rank of captain from the 13th day of June, 1914.

Lieut. Commander John C. Fremont to be a lieutenant commander in the Navy from the 1st day of July, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Edward E. Spafford to be a lieutenant commander in the Navy from the 20th day of December, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Walter N. Vernou to be a lieutenant commander in the Navy from the 11th day of January, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Lewis Cox to be a lieutenant commander in the Navy from the 13th day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Frank R. McCrary to be a lieutenant commander in the Navy from the 21st day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Percy W. Foote to be a lieutenant commander in the Navy from the 10th day of March, 1914, to change the date from which he takes rank as previously confirmed.

Capt. Edward B. Cole to be a captain in the Marine Corps from the 1st day of May, 1914, to change the date from which he takes rank as previously confirmed.

First Lieut. Frederick A. Barker to be a captain in the Marine Corps from the 25th day of February, 1914.

Second Lieut. Allen E. Simon to be a first lieutenant in the Marine Corps from the 17th day of March, 1914.

Ernest F. Slater, a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 19th day of June, 1914.

Passed Asst. Surg. James S. Woodward to be a surgeon in the Navy from the 20th day of October, 1913.

Passed Asst. Surg. James A. Randall to be a surgeon in the Navy from the 20th day of November, 1913.

Passed Asst. Surg. Charles E. Ryder to be a surgeon in the Navy from the 21st day of January, 1914.

Penn-Gaskell Skillern, jr., a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of June, 1914.

Clarence W. Ross, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 16th day of June, 1914.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 24, 1914.*

##### SECRETARIES OF LEGATIONS.

Sheldon Whitehouse to be secretary of the legation to Greece and Montenegro.

Cyrus F. Wicker to be secretary of the legation at Managua, Nicaragua.

##### CONSUL GENERAL.

Julius G. Lay to be consul general at Berlin, Germany.

Alfred L. M. Gottschalk to be consul general at Rio de Janeiro, Brazil.

##### CONSULS.

Charles K. Moser to be consul at Harbin, China.

William L. Jenkins to be consul at Guadeloupe, West Indies.

Charles S. Winans to be consul at Nuremberg, Bavaria.

##### SURVEYOR GENERAL.

Henry Gerharz to be surveyor general of Montana.

##### POSTMASTERS.

###### GEORGIA.

Thomas E. Brown, Bremen.

R. D. Moore, Jefferson.

###### ILLINOIS.

S. E. Avey, Mount Morris.

Frank W. Meisenheimer, Ava.

###### IOWA.

A. R. Miller, Washington.

###### KANSAS.

John B. Kay, St. John.

###### TENNESSEE.

E. F. Allen, Ashland City.

Addie D. Bell, Springfield.

###### VERMONT.

Cornelius Buckley, Barton.

John J. Rock, Ludlow.

#### APPOINTMENTS IN THE ARMY.

##### To be second lieutenants.

###### CORPS OF ENGINEERS.

Cadet William Henry Holcombe.

Cadet James Bell Cress.

Cadet Charles Philip Gross.

Cadet Bernard August Miller.

Cadet Peter Cleary Bullard.

Cadet Brehon Burke Somervell.

Cadet Xenophon Herbert Price.

Cadet Robert Walter Crawford.

Cadet Frederick Snowden Skinner.

Cadet Dabney Otey Elliott.

Cadet Allen Parker Cowgill.

Cadet George Fenn Lewis.

Cadet Harrison Brand, jr.

Cadet Frederick William Herman.

Cadet John Hill Carruth.

###### CAVALRY ARM.

Cadet Arthur Dow Newman.

Cadet John William Butts.

Cadet Cedric Watterson Lewis.

Cadet Edward Leuffer Nevin Glass.

Cadet Charles Watson Foster.

Cadet Cuyler Llewellyn Clark.

Cadet Clarence Corinth Benson.

Cadet Thomas Henry Rees, jr.

Cadet John Henry Woodberry.

Cadet Walter Woolf Wynne.

Cadet William Abbott Robertson.

Cadet Joseph Bradford Treat.

Cadet Joseph Wilson Byron.

Cadet Warren Philip Jernigan.

Cadet Walter Cyrus Gullion.

Cadet Sylvester De Witt Downs, jr.

Cadet Robert Dyer McDonald.

Cadet Orlando Ward.

Cadet John Prince Markoe.

## FIELD ARTILLERY ARM.

Cadet Phillip Loomis Thurber.  
Cadet William Chester Houghton.

## COAST ARTILLERY CORPS.

Cadet Lester Earl Moreton.  
Cadet La Rhett Livingston Stuart.  
Cadet Alfred Earl Larabee.  
Cadet John Adams Brooks, jr.  
Cadet Albion Ray Rockwood.  
Cadet Frank Lawrence Hoskins.  
Cadet John Hamilton Jouett.

## INFANTRY ARM.

Cadet Roy Melvin Smyth.  
Cadet Cleveland Hill Bandholtz.  
Cadet Fritz Philip Lindh.  
Cadet Harry Clyde Ingles.  
Cadet James Lester Bradley.  
Cadet Willis James Tack.  
Cadet Floyd Randall Waltz.  
Cadet Carl Eugene Fosnes.  
Cadet Weldon Williamson Doc.  
Cadet Carl Spatz.  
Cadet Harold Roe Bull.  
Cadet Charles Morton Milliken.  
Cadet James Fred Byrom.  
Cadet Woodfin Grady Jones.  
Cadet Paul Clarence Paschal.  
Cadet John Leo Parkinson.  
Cadet Rudolph Gwinn Whitten.  
Cadet Louis Thomas Byrne.  
Cadet Francis Rusher Kerr.  
Cadet Francis Marion Brannan.  
Cadet William Rutledge Orton.  
Cadet Francis Henry Forbes.  
Cadet Rufus Sumter Bratton.  
Cadet Thomas George Lanphier.  
Cadet Jefferson Reese Davenport.  
Cadet Benjamin Grant Weir.  
Cadet Ralph Royce.  
Cadet Harry Milford Brown.  
Cadet Thomas Huntington Monroe.  
Cadet Roger Burnett Harrison.  
Cadet Joseph Webster Allison, jr.

*To be additional second lieutenants.*

## CAVALRY ARM.

Cadet William Ord Ryan.  
Cadet Benjamin Fiery Hoge.

## FIELD ARTILLERY ARM.

Cadet John Churchill Wyeth.  
Cadet Arthur Ringland Harris.  
Cadet John Green Burr.  
Cadet John Benjamin Anderson.  
Cadet William Edward Burr.

## COAST ARTILLERY CORPS.

Cadet Joseph De Moss McCain.  
Cadet Eugene Villaret.  
Cadet Reiff Hesser Hannum.  
Cadet Harold Francis Loomis.  
Cadet Leland Harold Stanford.  
Cadet James Cooper Waddell.  
Cadet Richard Bolles Paddock, jr.  
Cadet Charles Carleton Griffith.  
Cadet James Byron Haskell.  
Cadet James Patrick Hogan.  
Cadet Gooding Packard.  
Cadet Glenn Preston Anderson.  
Cadet Adam Empie Potts.

## INFANTRY ARM.

Cadet Frederick Herr.  
Cadet Clifford James Mathews.  
Cadet Howard Prescott Milligan.  
Cadet Frank William Milburn.  
Cadet John Warren Weissheimer.  
Cadet Isaac Gill, jr.  
Cadet John Kennard.  
Cadet John Bellinger Thompson.  
Cadet Hamner Huston.  
Cadet Jens Anderson Doe.  
Cadet Sheldon Harley Wheeler.  
Cadet Lester Leland Lampert.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 24, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, the same yesterday, to-day, and forever, we thank Thee for all the blessings of the past and turn to Thee with renewed confidence for the outpouring of Thy spirit which shall enlighten, uphold, and guide us through all the changing scenes of this newborn day. May we hear, receive, and obey in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rules.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves to dispense with business in order to-day under the rules.

Mr. FITZGERALD. Mr. Speaker, a week from to-day is the 1st of July, the beginning of the next fiscal year. There are still 53 pages of the sundry civil appropriation bill to be considered. I think if we were to consider the bill to-day and sit at some length, and one or two days more, we could dispose of it before the end of this week. I hope that because of the importance of passing the bill in the House the motion will prevail.

Mr. HAWLEY. Mr. Speaker, I desire to correct the Record. Mr. MANN. Will the gentleman from New York yield?

The SPEAKER. The Chair will attend to the motion of the gentleman from Oregon in a minute, as soon as we get through with this motion.

Mr. MANN. Would it be practicable to substitute next Tuesday for to-day, and then have two Calendar Wednesdays next week?

Mr. FITZGERALD. I could not agree to that.

Mr. MANN. Why not?

Mr. LLOYD. Would it not be better to make it next Thursday instead of next Tuesday?

Mr. MANN. That would be satisfactory to me.

Mr. FITZGERALD. One objection to two days next week is that probably we will want to attempt to commence consideration of the general deficiency bill if we can get this bill finished early enough this week.

Mr. MURDOCK. Is not the House now on Calendar Wednesday and in the midst of the consideration of a measure?

Mr. FITZGERALD. It is; but disposition of that bill to-day is not nearly so important as finishing the consideration of the sundry civil bill at the earliest possible moment.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STAFFORD. Supplementing the view of the gentleman from New York [Mr. FITZGERALD], I wish to say that the bill under consideration on Calendar Wednesday is largely a codification of existing law, that there is very little new law embodied in the bill as it is presented to the House, and could very well be postponed to some time next week for consideration. I hope the gentleman from Missouri [Mr. RUCKER] will see his way clear to postpone the consideration of the bill.

Mr. RUCKER. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. RUCKER. Mr. Speaker, realizing the importance of action on the sundry civil bill, I have no disposition to oppose the request of the gentleman from New York [Mr. FITZGERALD], provided some fair arrangement can be made. If it could be agreed that the House will set apart next Thursday, as well as next Wednesday, for business that is in order on Calendar Wednesday, so that these little bills may be disposed of, I would have no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that proceedings under Calendar Wednesday for to-day be dispensed with and that next Thursday be treated as a Calendar Wednesday in addition to Wednesday.

Mr. ADAMSON. You mean Thursday week?

Mr. MANN. Thursday of next week.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Thursday of next week be substituted for to-day.

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. The Chair did not understand the gentleman from Kansas.



Mr. MURDOCK. I reserve the right to object. If Calendar Wednesday is going to be dispensed with, I would like to have it done by a vote.

Mr. MANN. This will not dispose of Calendar Wednesday. This preserves Calendar Wednesday.

Mr. MURDOCK. It disposes of it for the day, and the rule says that Calendar Wednesday shall be disposed of after 10 minutes of debate by a motion.

Mr. MANN. But the trouble about making the motion is that you can not substitute another day for to-day. There would be two Calendar Wednesdays next week, and the bill under consideration to-day would come up next Wednesday. Following that would be the reclamation bill, I would take it. We would not lose any time.

Mr. MURDOCK. It is in the power of the House to dispose of Calendar Wednesday.

Mr. MANN. Oh, yes; but it is not in the power of the House this morning to substitute another Calendar Wednesday.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that next Wednesday is the 1st of July, and there is still undisposed of differences between the two Houses on both the District and the legislative appropriation bills.

Mr. MANN. It is still within the power of the House to dispense with proceedings on Calendar Wednesday if there was sufficient reason for it.

Mr. FITZGERALD. It would take two-thirds vote to dispense with business on both those days.

Mr. MONDELL. Mr. Speaker, reserving the right to object—

Mr. MURDOCK. I still reserve my right.

Mr. MONDELL. In reply to the suggestion of the gentleman from Kansas, some of us who are here are very much interested in the bill which will be taken up to-day relative to campaign expenditures. I want to see it become a law, and the sooner the better. We are also very much interested in the reclamation bill which follows, for the extension of the period of payments, and we can not take any position that could possibly delay or jeopardize the enactment of either of those bills.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, just a moment.

Mr. MURDOCK. Mr. Speaker, I reserve the right to object.

Mr. MONDELL. If the gentleman from Kansas [Mr. MURDOCK] insists on a vote on a motion which does not substitute another day for the day lost, he would put us in a position where we must vote against dispensing with Calendar Wednesday, because by that vote we do not get the other day. If the request of the gentleman from Illinois [Mr. MANN] were granted, we would secure two consecutive days; that would be better than one day now and one day next week.

Mr. MURDOCK. With the Speaker's permission, will the gentleman yield? If the House votes to dispense with Calendar Wednesday, is there any reason why we can not go on with the consideration, as the gentleman from Illinois [Mr. MANN] proposed?

Mr. MONDELL. If anyone can assure us we will get that other day.

Mr. MURDOCK. The gentleman knows that nearly everybody here in the House is to-day in favor of dispensing with Calendar Wednesday, but I would like to see it dispensed with regularly under the rules; that is, by a vote.

Mr. MONDELL. I am not in favor of dispensing with it unless we get an extra day next week—Thursday, as well as Wednesday.

Mr. MURDOCK. If we are going to dispose of it, let it be done regularly and by unanimous consent.

Mr. GARNER. Does the gentleman want to dispense with Calendar Wednesday?

Mr. MURDOCK. Yes.

Mr. GARNER. And the only object is that he wants to establish a record?

Mr. MURDOCK. We had a great deal of trouble in providing for a Calendar Wednesday rule, and finally established the day, and provided that we could dispense with it by a motion after limited debate. The gentleman from Texas [Mr. GARNER] certainly does not mean to say that I was trying to do anything in the line of a "grand-stand play"?

Mr. GARNER. I do not mean to say that, but the gentleman from Kansas [Mr. MURDOCK] seems to have such a respect for Calendar Wednesday that he is not even willing at this stage of the procedure, in order to relieve the country, to dispense with Calendar Wednesday, in order to make his record consistent.

Mr. MURDOCK. No; it is not a matter of consistency. It is a very simple process for the gentleman from New York to move

to dispense with Calendar Wednesday, and then, after the vote is taken and Calendar Wednesday is disposed of to-day by a majority vote—

Mr. FITZGERALD. It takes a two-thirds vote—

Mr. MURDOCK (continuing). Yes; by a two-thirds vote, then we can go on with the consideration of the bill. But I would like to see the motion made and voted on and not have it done by unanimous consent.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If Calendar Wednesday is disposed of to-day by unanimous consent, and next Thursday is recognized as Calendar Wednesday, we will then have next Wednesday and Thursday for all the business that otherwise would be taken up on to-day and on next Wednesday?

The SPEAKER. Yes.

Mr. RAKER. In the same order and condition?

The SPEAKER. Yes.

Mr. RAKER. So that when we shall have gotten through with the so-called Rucker bill, the reclamation bill could be taken up as if the Rucker bill had been disposed of to-day?

The SPEAKER. Yes.

Mr. ADAMSON. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Would it not be competent to get out of the trouble if the gentleman from Illinois [Mr. MANN] would modify his request and say that if the House should dispense with Calendar Wednesday to-day, in that event Wednesday and Thursday of next week be substituted?

Mr. MANN. I will not substitute it that way.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to substitute to-morrow week for to-day.

Mr. MURDOCK. Mr. Speaker, reserving the right to object—

Mr. UNDERWOOD. Reserving the right to object. Mr. Speaker, speaking in the time of the gentleman from Kansas [Mr. MURDOCK] in his reservation, I do not think it wise to make any other special order for next week or to set aside a special day for next week. Next Monday we have set apart as a suspension day. That will aid more Members and facilitate the passage of more bills than a calendar day can possibly do, because it brings the bills to the immediate consideration of the House. Next week we have a Calendar Wednesday. That makes two days set apart, and I do not suppose we can get all the appropriation bills through, but those that are in conference and can be considered ought to be passed, every one of them that is possible, next week before the 1st day of July, because—

Mr. MANN. Next Thursday is after the 1st day of July.

Mr. UNDERWOOD. Yes.

The SPEAKER. Wednesday is the 1st day of July.

Mr. UNDERWOOD. They may not be finished then. I do not think it wise to set apart another Calendar Wednesday to interfere with the business of the calendar.

The SPEAKER. Is there objection?

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas objects, and the question is on the motion of the gentleman from New York [Mr. FITZGERALD] to dispense with Calendar Wednesday to-day. The question was taken.

The SPEAKER. In the opinion of the Chair—

Mr. WINGO. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands a division. Those in favor of dispensing with Calendar Wednesday to-day will rise and stand until they are counted. [After counting.] Sixty-one gentlemen have arisen in the affirmative. The "ayes" will take their seats, and those opposed will rise. [After counting.] Thirty-eight gentlemen have arisen in the negative. On this vote the ayes are 61 and the noes are 38.

Mr. FITZGERALD. I ask for tellers, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands tellers.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. To make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of dispensing with Calendar

Wednesday to-day will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 175, nays 72, answered "present" 6, not voting 180, as follows:

## YEAS—175.

Abetromble	Dent	Holland	Rainey
Adair	Dershem	Houston	Raker
Adamson	Dickinson	Howard	Rauch
Allen	Difenderfer	Hughes, Ga.	Rayburn
Alexander	Dixon	Hull	Reilly, Conn.
Allen	Donohoe	Igoe	Rothermel
Ashbrook	Donovan	Jacoway	Rouse
Aswell	Doolittle	Johnson, Ky.	Rubey
Bailey	Doughton	Johnson, S. C.	Rucker
Baker	Dupré	Keating	Russell
Baltz	Elder	Kettner	Seldomridge
Barkley	Evans	Kindel	Sims
Bathrick	Faison	Kirkpatrick	Sisson
Beakes	Fergusson	Korby	Small
Beall, Tex.	Ferris	Lazaro	Smith, Md.
Blackmon	Fess	Lever	Smith, N. Y.
Booher	Finley	Lewis, Pa.	Sparkman
Borchers	Fitzgerald	Lloyd	Starkman
Bowdie	FitzHenry	Loneragan	Stephens, Miss.
Brockson	Flood, Va.	McClellan	Stephens, Tex.
Broussard	Floyd, Ark.	McCoy	Stone
Brown, N. Y.	Foster	McDermott	Sumners
Brumbaugh	Fowler	McGillcuddy	Taggart
Buchanan, Tex.	Francis	McKellar	Talbott, Md.
Bulkley	Gallagher	Maguire, Nebr.	Talcott, N. Y.
Burnett	Garner	Metz	Tavener
Byrnes, S. C.	Garrett, Tenn.	Mitchell	Taylor, Ark.
Byrns, Tenn.	Garrett, Tex.	Montague	Taylor, Colo.
Candler, Miss.	Gill	Moon	Ten Eyck
Caraway	Gilmore	Morrison	Thacher
Carter	Godwin, N. C.	Murray, Mass.	Thompson, Okla.
Casey	Goeke	Murray, Okla.	Townsend
Church	Goodwin, Ark.	Oglesby	Tribble
Clancy	Graham, Ill.	O'Hair	Underhill
Claypool	Gray	Oldfield	Underwood
Cline	Gregg	O'Leary	Vollmer
Coady	Hamlin	Padgett	Walker
Collier	Hardy	Page, N. C.	Walsh
Connelly, Kans.	Harris	Park	Watson
Connelly, Iowa	Harrison	Peterson	Webb
Conry	Hayden	Post	Williams
Crosser	Heflin	Pou	Wingo
Cullop	Hensley	Quin	Witherspoon
Deitrick	Hill	Ragsdale	

## NAYS—72.

Bartholdt	Falconer	Kennedy, Iowa	Plumley
Barton	Farr	Kinkaid, Nebr.	Roberts, Nev.
Bell, Cal.	French	La Follette	Rupley
Britten	Good	Lee, Ga.	Scott
Browne, Wis.	Green, Iowa	Lee, Pa.	Sinnott
Bryan	Greene, Mass.	Lindbergh	Smith, Idaho
Buchanan, Ill.	Hamilton, Mich.	Logue	Steenerson
Campbell	Haugen	McLaughlin	Stevens, Cal.
Cary	Hawley	Mann	Stevens, Minn.
Cooper	Hayes	Mapes	Sutherland
Cox	Helgesen	Mondell	Temple
Cramton	Hinebaugh	Moore	Towner
Curry	Howell	Morgan, Okla.	Treadway
Danforth	Humphrey, Wash.	Moss, W. Va.	Volstead
Dillon	Johnson, Utah	Murdock	Walters
Drukker	Johnson, Wash.	Nolan, J. I.	Watkins
Edmonds	Kelley, Mich.	Parker	Woodruff
Esch	Kelly, Pa.	Payne	Woods

## ANSWERED "PRESENT"—6.

Burke, S. Dak.	Glass	Slemp	Sloan
Burke, Wis.	Prouty		

## NOT VOTING—180.

Ainey	Dooling	Helm	McAndrews
Anderson	Doremus	Helvering	McGuire, Okla.
Ansberry	Driscoll	Henry	McKenzie
Anthony	Dunn	Hinds	MacDonald
Austin	Eagan	Hobson	Madden
Avis	Eagle	Hoxworth	Mahan
Barchfeld	Edwards	Hughes, W. Va.	Maher
Barnhart	Estopinal	Hullings	Manahan
Bartlett	Fairchild	Humphreys, Miss.	Martin
Bell, Ga.	Fields	Jones	Merritt
Boland	Fordney	Kahn	Miller
Brodbeck	Frear	Keister	Morgan, La.
Brown, W. Va.	Gallivan	Kennedy, Conn.	Morin
Browning	Gard	Kennedy, R. I.	Moss, Ind.
Buckner	Gardner	Kent	Mott
Burgess	George	Key, Ohio	Neeley, Kans.
Burke, Pa.	Gerry	Kless, Pa.	Neely, W. Va.
Butler	Gillett	Kinkaid, N. J.	Nelson
Calder	Gittins	Kitchin	Norton
Callaway	Goldfogle	Knowland, J. R.	O'Brien
Cantor	Gordon	Konop	O'Shaunessy
Cantrill	Gorman	Kreider	Palge, Mass.
Carew	Goulden	Lafferty	Palmer
Carlin	Graham, Pa.	Langham	Patten, N. Y.
Carr	Greene, Vt.	Langley	Patton, Pa.
Chandler, N. Y.	Griest	L'Engle	Peters, Me.
Clark, Fla.	Griffin	Lenroot	Peters, Mass.
Copley	Gudger	Leshner	Phelan
Covington	Guernsey	Levy	Platt
Crisp	Hamill	Lewis, Md.	Porter
Dale	Hamilton, N. Y.	Lieb	Powers
Davenport	Hammond	Lindquist	Reed
Davis	Hardwick	Linthicum	Reilly, Wis.
Decker	Hart	Lobeck	Riordan
Dies	Hay	Loft	Roberts, Mass.

Rogers	Slayden	Stringer	Weaver
Sabath	Smith, J. M. C.	Switzer	Whaley
Saunders	Smith, Minn.	Taylor, Ala.	Whitacre
Scully	Smith, Saml. W.	Taylor, N. Y.	White
Sells	Smith, Tex.	Thomas	Willis
Shackleford	Stanley	Thomson, Ill.	Wilson, Fla.
Sharp	Stedman	Tuttle	Wilson, N. Y.
Sherley	Stephens, Nebr.	Vare	Winslow
Sherwood	Stevens, N. H.	Vaughan	Young, N. Dak.
Shreve	Stout	Wallin	Young, Tex.

So, two-thirds having voted in favor thereof, the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. JETZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. FIELDS with Mr. LANGLEY.

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLET.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. GLASS with Mr. SLEMP.

Mr. BARNHART with Mr. ANDERSON.

Mr. BORLAND with Mr. ANTHONY.

Mr. BROWN of West Virginia with Mr. AUSTIN.

Mr. BURGESS with Mr. AVIS.

Mr. CALLAWAY with Mr. BARCHFELD.

Mr. CARLIN with Mr. DAVIS.

Mr. CARR with Mr. CHANDLER of New York.

Mr. DECKER with Mr. GUERNSEY.

Mr. DIES with Mr. CALDER.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DRISCOLL with Mr. FAIRCHILD.

Mr. EAGAN with Mr. GRIEST.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.

Mr. GALLIVAN with Mr. HULINGS.

Mr. GARD with Mr. KAHN.

Mr. GOLDFOGLE with Mr. KENNEDY of Rhode Island.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GORMAN with Mr. KREIDER.

Mr. GEORGE with Mr. KEISTER.

Mr. HARDWICK with Mr. MANAHAN.

Mr. HAY with Mr. LANGHAM.

Mr. HELM with Mr. LEWIS of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. KENNEDY of Connecticut with Mr. LAFFERTY.

Mr. KONOP with Mr. MCGUIRE of Oklahoma.

Mr. LESHER with Mr. MCKENZIE.

Mr. LEVY with Mr. POWERS.

Mr. LIEB with Mr. MERRITT.

Mr. LINTHICUM with Mr. MILLER.

Mr. LOBECK with Mr. MORIN.

Mr. MOSS of Indiana with Mr. MOTT.

Mr. NEELEY of Kansas with Mr. NELSON.

Mr. PATTEN of New York with Mr. NORTON.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. REED with Mr. PAIGE of Massachusetts.

Mr. RIORDAN with Mr. PATTON of Pennsylvania.

Mr. SAUNDERS with Mr. PLATT.

Mr. SHACKLEFORD with Mr. PORTER.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SMITH of Texas with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. STRINGER with Mr. SAMUEL W. SMITH.

Mr. THOMAS with Mr. SWITZER.

Mr. TUTTLE with Mr. THOMSON of Illinois.

Mr. PALMER with Mr. VARE.

Mr. VAUGHAN with Mr. WINSLOW.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. WILSON of New York with Mr. SMITH of Minnesota.

Mr. WEAVER with Mr. SLOAN (ending August 4).

The result of the vote was then announced as above recorded. The Doorkeeper was directed to open the doors.



## DIPLOMATIC AND CONSULAR BILL.

The SPEAKER. The Hon. WILLIAM G. SHARP, of Ohio, was appointed as one of the conferees on the Diplomatic and Consular appropriation bill. He can not be here, and the Chair appoints Mr. CLINE in his place.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

## IMMIGRATION SERVICE.

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor. \$2,650,000.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "\$2,650,000" and insert "\$2,649,500: *Provided, however,* That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States, shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however,* That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of \$2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. DUPRÉ. Mr. Chairman, I will frankly state to the House that the object of this amendment is to put the commissioner of immigration at the port of New Orleans on the same basis as the other commissioners of immigration at other ports of this country. At other ports where immigration stations are located, except at the port of New Orleans, the commissioner is appointed by the President for a term of four years and confirmed by the Senate. In the one case in my home city it is held that this officer comes under the Civil Service Commission and must be named from the classified list. That happens for this reason: That the other commissioners of immigration are provided for in the sundry civil bill of 1894, while the commissioner of immigration at New Orleans was provided for by the act of 1907 for the first time. Under section 34 of that act it provides:

Sec. 34. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective ports.

The Civil Service Commission has ruled that the verbiage of section 34, which I have just read, means that this man must be named from the civil-service list. Now, it is not time at this juncture to discuss the question why there should be any difference in the manner of naming this officer at one port from another. The same duties that are discharged at Baltimore or Seattle are discharged at New Orleans, and there is no reason why the one at New Orleans should not be appointed by the President, as the others are. But that does not go to the point of order. I was simply mentioning this as preliminary to the issue.

I take it, Mr. Chairman, that this provision comes under the Holman rule. I do not hold myself out to be a parliamentarian, and I am not here armed with any elaborate precedents on the subject, but I understand the Holman rule to mean that an amendment is in order in the consideration of an appropriation bill if that amendment is germane and if it looks to the retrenchment of public expenditures. In this case I respect-

fully submit that it does both. The salaries of commissioners of immigration at the respective ports are not set forth in detail by law. A lump sum is appropriated for payment of their salaries, and it is this lump appropriation which I am amending that makes provision in this bill for payment of the salaries of all these officials. Congress, instead of saying that the commissioner of immigration at New York or Philadelphia shall receive a fixed compensation, has seen fit to leave that to the discretion of the Department of Labor. The Department of Labor has in the instant case—the case at New Orleans—according to a letter that I hold in my hand of date June 17, advised me that the salary of the commissioner of immigration at the port of New Orleans is fixed by it at \$3,000 per annum. I shall submit the letter to the chairman, if he so desires, though I do not care to incorporate it in the Record unless it is insisted on. However, it is subject to the inspection of any Member who desires to look at it.

I propose first, then, in this amendment to reduce the lump sum from \$2,650,000, which is appropriated for the immigration service, to \$2,649,500; and I further propose to reduce the salary of the man himself, who is to be paid out of this reduced appropriation, from \$3,000 to \$2,900. There is undoubtedly a retrenchment in the expenditure of the public money. It has frequently been held that it makes no difference how little the proposed amendment undertakes to reduce expenses as long as there is a substantial reduction, a reduction shown on the face of the amendment, then it is in order. In this case, I repeat, I propose a reduction of the lump sum allowed to this service, and out of abundant caution I propose a reduction of the salary to be paid to this particular official.

Now, what remains, then, to bring this amendment within the purview of the Holman rule, except germaneness? It occurs to me that it is essentially germane. It is an amendment offered to the provision for the Immigration Service. It relates to one of the commissioners of that service. It provides for a reduction of his salary. It is true that it makes a change in existing law, but it makes a change in existing law along the line of germaneness. It has been held in a decision here, for instance, that where an appropriation of \$500,000 was sought to be made for completion of the park between the Capitol and the Union Station an amendment was in order which provided for the repeal of that law. The gentleman from New York [Mr. FITZGERALD] in charge of the bill made the point of order that the amendment proposed by his colleague [Mr. Sisson] repealing that law was not in order, and the Chairman of the Committee of the Whole, the gentleman from Kentucky [Mr. JOHNSON] held that it came under the Holman rule, because if the law were repealed it would be a reduction in that respect.

Now, what is the difference in this case? If you can repeal a law, if an amendment repealing a law is germane, because it reduces the amount to be expended from the Public Treasury, why is not an amendment germane that proposes to change any such law, not by repealing it but by modifying it in some other way, as long as there is a consequent and necessary reduction if the amendment is agreed to? I trust that the gentleman from New York [Mr. FITZGERALD] will view the matter in that light, but I prefer that the Chair should see the matter in that light, and I respectfully submit it to his consideration. [Applause.]

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] care to discuss the point of order?

Mr. FITZGERALD. If the Chair will rule on it, I do not care to discuss it.

The CHAIRMAN. The Chair has reexamined the rule commonly known as the Holman rule, and he will read the following portion of it:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, the amendment proposed by the gentleman from Louisiana [Mr. DUPRÉ] reduces the amount carried in the bill. It also reduces the compensation of a person paid out of the Treasury of the United States. So that there is left to the Chair only the question whether or not it is germane.

Mr. MANN. I should like to ask the Chair a question. In reference to the amendment reducing the compensation of the person, of course the amendment goes away beyond that, and, as I understand it, repeals a provision of law.

The CHAIRMAN. It does.

Mr. MANN. May we have that amendment reported again? I think this is a very important ruling.

The CHAIRMAN. If there be no objection, the amendment will be read again.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "\$2,650,000" and insert "\$2,649,500; *Provided, however,* That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however,* That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of \$2,900 per annum."

The CHAIRMAN. The decisions upon this particular rule, as is well known to gentlemen who have examined them with care, are somewhat conflicting. It is easily possible to find precedents to sustain different contentions. It seems to the Chair, however, that the legislation which is proposed in the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] is germane to the section of this bill that is under consideration. It meets the requirements of the rule in other respects in that it provides a reduction of the amount carried in the bill and a reduction of the compensation of a person paid out of the Treasury of the United States. Entertaining that view, the Chair overrules the point of order. The question is on the amendment.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANN. Mr. Chairman, I do not make any controversy with the decision of the Chair. I am very sorry that there are two aspects to the case. I would like to have a ruling of the committee upon the question of whether a reduction of the amount carried by the bill in an amendment is sufficient authority to attach to it a provision repealing a portion of the statute. As the Chair has indicated that in his opinion that is sufficient, I have respectfully taken an appeal in order that the committee might have an opportunity to vote on the proposition.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

The committee divided; and there were—ayes 65, noes 5.

So the decision of the Chair stands as the judgment of the committee.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, there seems to be some question as to the language in the concluding portion of the paragraph. The intention was to reduce the salary to the sum of \$2,900 per annum. Some gentlemen seem to think that I desire to reduce the salary of \$3,000 by the sum of \$2,900 per annum.

The CHAIRMAN. The Chair will state that that is the way the amendment reads.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to modify the amendment so as to make it read that it shall reduce the salary to the sum of \$2,900 per annum.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to modify his amendment by inserting the word "to" after the word "reduce" in the next to the last line. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I now move to amend the amendment by striking out the latter part of it which proposes a reduction in the salary.

The CHAIRMAN. The gentleman from Illinois offers an amendment striking out the last proviso, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out the proviso which reads as follows:

"*Provided further, however,* That the salary of such commissioner of immigration at New Orleans, La., shall be reduced to the sum of \$2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. The gentleman can not offer an amendment that is in order under the rule and then by a further amendment so change it that it would not be in order if offered originally in that form.

Mr. ELDER. Mr. Chairman, my understanding is that it is the universal rule that after an amendment is once declared in order it is then in order to offer any amendment to that amendment. Within the last two months there have been two or three rulings of the Chair to exactly that effect—that, after an amendment was once declared to be in order by the Chair, any

amendment, whatever it might be, to that amendment was then in order.

The CHAIRMAN. Will the gentleman permit an interruption?

Mr. ELDER. Certainly.

The CHAIRMAN. The Chair has not the precedents on the point before him; but, approaching it purely as a matter of reason, would not the effect of holding in order the amendment proposed by the gentleman from Illinois be to really destroy, logically, the effect of the Holman rule?

Mr. ELDER. Unquestionably.

Mr. MANN. Oh, no.

Mr. ELDER. But I am answering my own view, and the gentleman from Illinois may present his view to the Chair after I am through. In my opinion it does to that extent destroy the rule, because the amendment is held to be in order because it is a reduction of salary. Within the short time that I have been in the House, on other appropriation bills, it has been held that, once an amendment is declared in order by the Chair, it is in order then to offer any amendment to that amendment. To be frank with the Chair, my opinion is that to that extent it does destroy the Holman rule.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. ELDER. Certainly.

The CHAIRMAN. If the Chair understands the gentleman correctly, the Chair thinks perhaps the gentleman has a different precedent in mind. It is the rule of the House that if an amendment be proposed which is not in order, but the point of order be not made to it and it remains in to be voted on, that then any amendment which is germane, whether it be in order or not, may be offered to that proposition. That is the rule of the House; but this is a somewhat different proposition.

Mr. MANN. Before the Chair decides, I would like to be heard on the point of order.

The CHAIRMAN. Certainly. Assuming, if we may so assume, it would not be in order without the proviso, can you destroy the effect of the Holman rule by that decision? The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, there is no doubt whatever about the rule—that where an amendment is offered to strike out something which would make the whole matter out of order, the motion to strike out is not in order—and if this amendment had been held in order by the Chair solely because it proposes a reduction in salary, it would not be in order after the amendment was pending to entertain a motion to strike out that part, because that would be the part that gave it the privilege of being presented to the House; but the Chair has just ruled that the other part of the amendment which proposes a reduction in the amount of the appropriation carried by the bill made this amendment in order. From that ruling I respectfully appealed to the committee. The committee sustained the decision of the Chair. That was the issue which was presented by the appeal which I took. I voted to sustain the decision of the Chair. I think I should have voted to sustain the decision of the Chair if the Chair had decided the other way. I asked for an appeal because I thought it was desirable to have the House or the Committee of the Whole pass upon this controverted question in order that we might know in the future what the ruling was to be. But the Chair does not hold that this amendment was in order on that ground, and the Committee of the Whole House on the state of the Union does not sustain the decision of the Chair on that ground. It is not necessary now to say it was necessary to reduce the amount of salary in order to make the amendment in order. That being the case, it is in order to strike out the provision reducing the amount of the salary because the amendment was put in order on the ground it reduces the amount carried in the bill.

The CHAIRMAN. Will the gentleman permit a question?

Mr. MANN. Certainly.

The CHAIRMAN. The gentleman from Illinois is correct. The Chair rested his decision upon two points—that it reduced the amount carried in the bill and reduced the amount of salary—

Mr. JOHNSON of Kentucky. And also that it is germane.

The CHAIRMAN. Of course it would not have been in order in any event if it had not been germane, and, being germane, it would not have been in order except by the other two conditions, or at least one of the other two conditions. Now, as a practical proposition, we want to get the common sense of this matter, and I will ask the gentleman from Illinois if the reduction in the amount carried in the bill and the amount of reduction of the amount in salary are not so intimately interwoven that they substantially constitute one single thing?

Mr. MANN. I think not.



The CHAIRMAN. For instance, the reduction of the amount carried in the bill is exactly that amount which the salary is proposed to be reduced. If the amendment of the gentleman from Illinois should prevail, then there would not be in this a sufficient appropriation.

Mr. MANN. Well, this is a lump-sum appropriation of two or three million dollars, as far as that is concerned. Now, I shall not have any controversy with the Chair; I would not, anyhow, if the Chair should hold that the reduction of the amount carried by the bill is not sufficient of itself to make the amendment in order unless the amendment itself shows on its face that it does reduce the amount of expenditure. But if the Chair holds, as the Chair intimated a while ago, that an amendment which reduced the amount carried in the bill made the amendment in order repealing a portion of the statute, why, then, the rest is not anything; but if the Chair modifies his opinion and holds that, the amount carried in the bill being reduced, the amendment itself further on must show that there is an actual reduction in the expenditures, it is quite a different holding and quite a different proposition. I respect the very clear-headed Member of Congress who now presides over the Committee of the Whole House on the state of the Union, and I would like to have this question, if possible, settled, to the extent that Members may know in the future on a ruling whether, if you reduce \$5,000 to \$4,990, that there is a legislative provision making or repealing law, or whether to do that you have got to show in the balance of the amendment where you save the \$1.

Mr. FITZGERALD. If the Chairman will permit, the ruling of the Chair was not stated as the gentleman from Illinois has been arguing. The Chair stated the amendment was in order because it reduced the amount carried in the bill—reduced the salary of the official—and that the language of the amendment doing such a thing was germane to the bill. An appeal was taken from that ruling and the decision of the Chair was sustained, and the decision that was sustained was as announced by the Chair. The committee did not sustain that ruling that this amendment was in order for only the reason given by the Chair. It sustained the decision the Chair had made. Now, if this practice should be followed, and amendments could be offered in order under the rule and then an amendment offered which would modify that in such a way that an amendment would be before the House that would not be in order as an original amendment, that practice would be to break down the rule. The most notable instance we had was the time when the gentleman from Massachusetts asked to call up a privileged resolution providing, if I recall, for the appointment of a committee for the investigation of the procedure of other parliamentary bodies, and when the resolution was called up he moved to strike out part of it, which left it so that it provided for a committee, if I recall correctly, to revise the rules of the House. It was held that that motion destroyed the privileged character of the resolution and such resolutions would not be privileged, and the point of order was sustained against it.

Mr. MONDELL. Mr. Chairman, the Holman rule is a peculiar and unusual rule, and, in a way, out of harmony with the general legislative practice and with other rules relating to amendments. It was adopted for the purpose of making it easy to reduce expenditures. It was adopted in the interest of economy. It was adopted for the purpose of making it possible for anyone to offer an amendment which would actually reduce expenditures and have them in order. Now, having a rule of that character, it should be construed in view of carrying out the object and purposes of the rule. As it is, the rule is subject to abuses. Under the ruling just made by the Chair, which is in harmony with former rulings, any reduction in an amount carried in the bill, if the amendment is germane, makes it in order. That makes it possible to offer amendments within the rule that are really not in harmony with its spirit. Therefore the Chair, following the spirit of the rule, should be very careful not to hold that an amendment that barely comes within the rule may be immediately modified so that it is in a form that would be contrary both to the spirit and to the letter of the rule if it were offered as an original proposition. It seems to me nothing could be clearer than that the Holman rule would be subject to endless abuses if the Chair should hold that an amendment properly coming within the rule may be immediately amended so that the proposition presented, if so presented originally, could not be brought within the rule.

Mr. TALCOTT of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TALCOTT of New York. If the amendment offered by the gentleman from Illinois should prevail, would that render

the amendment of the gentleman from Louisiana as amended out of order?

Mr. MANN. Oh, no; it has gone beyond that.

The CHAIRMAN. No; that has already been held in order. A year or two ago—I think during the Sixty-second Congress—the present occupant of the chair presided while the Post Office appropriation bill was being considered in Committee of the Whole, and an amendment was proposed by Mr. Jackson, of Kansas, reducing the amount appropriated for the transportation of mails, as I now remember it, and then adding a proviso that a certain character of mail matter should not be transported through the mails. The Chair, after the matter had been argued and after an examination of the precedents, overruled a point of order made by the gentleman from Tennessee [Mr. MOON], chairman of the Committee on the Post Office and Post Roads, and held that that amendment was in order. It was defeated, however, in the Committee of the Whole, and when the bill came into the House the gentleman from Kansas [Mr. MURDOCK] offered a motion to recommit the bill with instructions to the Post Office Committee to report the same amendment that had been offered in the Committee of the Whole, and the matter then came before the Speaker. It was then more elaborately argued, if anything, than it was before the Committee of the Whole, and the Speaker sustained the point of order, taking a different view than that taken by the chairman, on the ground that while there was technically a reduction in the amount carried by the bill, yet it was so involved—and the Chair is not undertaking now to use the Speaker's words, but simply the reasoning of the Speaker as he remembers it—that the language was so involved that it did not appear from the face of it that it was in fact a real reduction.

So under that ruling by Mr. Speaker CLARK it would seem that there should be a more rigid interpretation of the Holman rule than had been made by the present Chairman or had been made by one or two Speakers previous to the action of the Chair, notably Mr. Speaker Carlisle.

Now, the Chair is hardly prepared to say what he would have held had there been nothing offered except a proposition to reduce the amount, and all this legislation had followed without the final proviso. The Chair is inclined to believe that the safest course on this bill would be to hold that so far as this particular amendment is concerned, anyway, and of course the reasoning would apply to any amendment of similar character, that both those elements had better be present, and the Chair sustains the point of order made by the gentleman from New York [Mr. FITZGERALD].

Mr. JOHNSON of Kentucky. The question is on the motion made by the gentleman from Louisiana?

The CHAIRMAN. Yes; the other has already been disposed of.

Mr. FITZGERALD. I wish to say a word, Mr. Chairman, about the amendment. The purpose of the amendment is to remove the position of commissioner of immigration at New Orleans from the classified service. That is the whole purpose of it. Under the civil-service law the President, by Executive order, can take this position out of the classified service, if he so desires. So far as I am concerned, I am not in favor of changing or modifying the civil-service law in this manner. If it be desirable to take this place out of the classified service, I think it should be done in accordance with law.

Mr. DUPRE. Mr. Chairman, this matter is in no sense an assault on the civil-service system. It does not even make a dent in it. It merely undertakes to settle an uncertainty in the rulings of the Civil Service Commission. There have been two decisions rendered by the Civil Service Commission on this point, one to the effect that this position at New Orleans was not within the classified service and another to the effect that it is. Now, with those two differing decisions before us, it is the duty of Congress to settle this matter and to put the commissioners at this port on a parity with commissioners at other ports. There is no reason why there should not be uniformity of administration in this matter, and I trust the amendment will be adopted.

Mr. HARRISON. Mr. Chairman, Mississippi is in the district over which this commissioner of immigration presides. That district is made up of Arkansas, Tennessee, Louisiana, and Mississippi. The intention of the law doubtless was that no exception should be made toward the commissioner of immigration at New Orleans over commissioners at other places. This is the only place where they have construed the law that the commissioner was under the civil service. I recall last year, when the Democrats came into control of the country, various good people applied for the good offices throughout the country, and I had a constituent, like other fellows who have constitu-

ents, who wanted the place, and this party was going to be appointed when the Civil Service Commission ruled that it was under the civil service. They then reversed themselves and held that it was not under the civil service, and about the time the appointment was to be made they reversed themselves again and held it was under the civil service. So, evidently the intention of the law was not to put this place, as in every other place of like character throughout the United States, under the civil service, and for this reason I do not think any discrimination should be made against this particular place by holding it under the civil service and making these other places appointive. I hope the amendment will prevail. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. Duff].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MURDOCK. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 24.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is announced in the newspapers that the Department of State is quite likely to submit to arbitration the Japanese question, which has troubled Congress and the Senators and Representatives from the Pacific coast for some time. This, I assume, would tend to relieve somewhat the necessity for appropriations for inspection with the view of suppressing Japanese immigration. I notice in the item we now have before us, which carries an appropriation of \$2,650,000, that provision is made for a variety of inspectors to be engaged in various lines of employment, with a view of ascertaining whether aliens are in this country without warrant of law, and providing for the cost of their arrest, their detention, and their deportation. Now, I would like to know from the chairman of the committee whether the Department of Labor has asked for any more money this year than it received last year for this purpose?

Mr. FITZGERALD. It has.

Mr. MOORE. Has it asked for approximately \$100,000 more than it had last year?

Mr. FITZGERALD. Oh, no. They asked for about \$300,000 more than we carried in the sundry civil bill.

Mr. MOORE. How much?

Mr. FITZGERALD. Three hundred and sixty thousand dollars more.

Mr. MOORE. For this particular service of enforcing the immigration laws?

Mr. FITZGERALD. For regulating immigration, and all of the service.

Mr. MOORE. More than \$300,000 this year over the expenses of that service last year?

Mr. FITZGERALD. No. The appropriation that was carried in the sundry civil bill was \$2,550,000, and the estimates submitted for next year were \$2,910,000, and an addition of \$95,000 was provided in the deficiency bill for this year.

Mr. MOORE. Was any excess the result of a deficiency in the expenditures of the bureau?

Mr. FITZGERALD. Ninety-five thousand dollars was carried in the deficiency bill, and was claimed to be necessary, and was voted by the House.

Mr. MOORE. Will the gentleman explain why that deficiency existed? What was the cause of it?

Mr. FITZGERALD. I can not explain that. I did not believe it was necessary; but the House voted the item in. You can not expect me to explain something I do not know.

Mr. MOORE. Was it due to the construction of buildings that were necessary to protect the property of the Government, upon which Secretaries and departments have reported favorably to the committee, or was it for the employment of men to go out and do work for the Government?

Mr. FITZGERALD. It was for a good many reasons.

Mr. MOORE. I think the House is entitled to know.

Mr. FITZGERALD. I do not just recall now the reasons given for the deficiency item which the Committee on Appropriations did not recommend, but for which the gentleman from Pennsylvania [Mr. Moore] voted, and he must have had information upon which he voted.

Mr. MOORE. I think the gentleman from New York is entirely mistaken about my vote.

Mr. FITZGERALD. I think not.

Mr. MOORE. I think I voted with the gentleman on that occasion, if he stood by his committee. I call the attention of the gentleman to the fact that he is extremely particular about certain items that go into the bill and has funds of information

about all phases of most questions, but when we come to an appropriation carrying a \$95,000 deficiency, he does not have very much information to give to the House concerning it.

Mr. FITZGERALD. I had at the time the deficiency bill was before the House. I think it is unreasonable to expect me to furnish the gentleman, during the consideration of this bill, with all the information that he demands of me to furnish during the consideration of other appropriation bills.

Mr. MOORE. May I ask the gentleman if the Secretary of the Department of Labor appeared before his committee to advocate this increase of appropriation?

Mr. FITZGERALD. No; the Secretary of Labor did not appear before us.

Mr. MOORE. Then the rule which applies to the War Department, which requires that the Secretary of War shall appear to justify a request for the expenditure of money, does not hold with regard to the Secretary of Labor, and the Secretary of Labor need not appear before the Committee on Appropriations?

Mr. FITZGERALD. The conditions, of course, are entirely different. In the first place, there was no estimate for the item about which the gentleman is harping with reference to the Secretary of War, and, in the second place, there was an estimate of the amount required for this particular service. I do not know why the Secretary of Labor did not appear before the committee, but those immediately in charge of the service did appear before the committee.

Mr. MOORE. I have a rather distinct recollection that the gentleman from New York himself said upon the floor when the deficiency bill was up that the Secretary of Labor had authorized certain expenditures without warrant of law. Now, those expenditures apparently have been made up or are to be made up out of this appropriation.

Mr. FITZGERALD. I do not think the gentleman's recollection is accurate, either with regard to the statement I made in reference to this particular appropriation or with regard to the statement I made in reference to any appropriation carried in this bill.

Mr. MOORE. Am I entirely in error when I say that a representative of the Department of Labor did appear before the Committee on Appropriations and did suggest that a part of this appropriation of \$2,650,000 should be made to include the deficiency referred to?

Mr. FITZGERALD. Nothing in here has anything to do with any deficiency. This bill is for the service of the fiscal year commencing on the 1st of July, 1914. It is for a future service, not for the service of the past or for the service in the current year. It is only for past and current services that deficiencies are incurred or asked for.

Mr. MOORE. Was it Mr. O'Donnell that appeared before the Committee on Appropriations in behalf of the deficiency? I do not want to harry the gentleman from New York.

Mr. FITZGERALD. Oh, the gentleman is not harrying me. The gentleman is talking to no point. If the gentleman wishes to speak, he can move to strike out the last word. I can not be put on exhibition simply because the gentleman from Pennsylvania wishes to discuss something in the bill or out of it.

Mr. MOORE. I would not seek to embarrass the gentleman in his relations with the Secretary of Labor, nor would I wish to embarrass any other gentleman on this floor in that respect.

Mr. FITZGERALD. The department has asked for \$2,910,000 for the next year, and the committee has recommended \$2,650,000.

Mr. MOORE. A part of this item is to be used for the purpose of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation. Now, a part of this appropriation is to be spent for that purpose. Can the gentleman tell me how much is to be expended for the deportation of Chinese? I am a member of the Committee on Immigration and Naturalization, and I would like to know.

Mr. FITZGERALD. I can explain that. A few years ago the appropriation for the deportation of Chinese and for the enforcement of the Chinese exclusion act was carried in a separate item. It amounted to \$500,000. Then, as all of that money was not expended, if I recall correctly, for a year or two it aggregated about \$450,000; and then, at the suggestion of the immigration officials, to the effect that it was not good and economical and efficient administration to maintain a force of inspectors exclusively for Chinese exclusion work, but that the inspectors of the department should be utilized wherever possible in that work, and that better results could thereby be obtained, the appropriation of half a million dollars for the enforcement of the Chinese exclusion act was consolidated with



this particular appropriation. It has never been reduced, and there is still available for expenditure that half a million dollars, together with the compensation of all the other inspectors and employees paid for out of this appropriation. [Cries of "Vote!" "Vote!"]

Mr. MOORE. Well, apart from the expenses for the enforcement of the immigration laws—and I ask gentlemen not to call for a vote, because, if they do, this business will not go forward expeditiously—

Mr. FITZGERALD. Does the gentleman ask me a question?

Mr. MOORE. I propose to ask the gentleman certain questions for information.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. If the gentleman wishes information, I shall be glad to give it to him.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER. Now will the gentleman yield?

Mr. MOORE. Yes.

Mr. GARDNER. The gentleman from Pennsylvania is not the only one who wishes information as to why you have cut the immigration appropriation \$260,000.

Mr. FITZGERALD. There has been no cut in the appropriation. There has been an increase in the appropriation. Gentlemen do not distinguish between appropriations and estimates.

Mr. GARDNER. How can the gentleman expect us to distinguish when the gentleman talks about the amount carried in the sundry civil bill last year, and points out that it is \$260,000 more this year and does not point to the fact that you had to appropriate \$95,000 more?

Mr. FITZGERALD. I have said it three times, and if the gentleman had paid attention he would know that I stated that \$95,000 was voted in the deficiency bill that had not been recommended by the Committee on Appropriations, and I charge the gentleman from Pennsylvania [Mr. MOORE] with having voted for it.

Mr. GARDNER. But when you give the figures—

Mr. FITZGERALD. I have given the complete figures. I said that there was carried \$2,550,000 in the sundry civil bill and \$95,000 in the urgent deficiency bill.

Mr. MOORE. I assure the gentleman from New York that I try to stand by him in not voting against expenditures for things that are not authorized by law, but I challenge the gentleman to find the Record showing where I voted as the gentleman charges.

Mr. FITZGERALD. The gentleman yesterday voted for a building that did not exist. That is as near to coming to a challenge as I can cite offhand.

Mr. MOORE. The gentleman gets testy. The gentleman from Pennsylvania rose to ask about a lump-sum appropriation of \$2,650,000, upon which the gentleman's committee has not got more than four or five pages of testimony in his thousands of pages of hearings, and then the gentleman from New York finds fault when the gentleman from Pennsylvania comes forward and asks for \$17,500 for a building to save lives and property. I challenge the gentleman from New York to show me where the Secretary of Labor appeared before his committee, or where the Commissioner of Immigration appeared before his committee, to justify this enormous expenditure of \$2,650,000.

Mr. FITZGERALD. The officials that the gentleman refers to did not appear before our committee, and perhaps that was the reason why the committee was not so hasty in granting the increase requested.

Mr. MOORE. Now, getting down to brass tacks, may I ask the gentleman how much money out of this \$2,650,000 is to be spent for inspectors who are to visit the various localities of this country on the comparatively new business of discovering alien procurers and alien prostitutes?

Mr. FITZGERALD. That is a matter of administration. I can not answer that.

Mr. RAKER. The gentleman just made the charge that the Commissioner of Labor and the Commissioner General of Immigration did not appear before the Committee on Appropriations. I want to state to him that the officers who have been appearing for a long time did appear—

Mr. MOORE. Who were they?

Mr. RAKER. Just a moment.

Mr. MOORE. The gentleman has come to the relief of the chairman of the committee. Who were they?

Mr. RAKER. I saw the Commissioner General yesterday, and day before yesterday also, and he said he thought he made a mistake in that he did not personally appear with the Secretary of Labor, and that they would possibly have obtained the full amount on this appropriation bill.

Mr. MOORE. What official is the gentleman talking about?

Mr. RAKER. I am talking about the Commissioner General of Immigration, whom the gentleman says did not see fit to appear.

Mr. MOORE. Then, since the gentleman from New York [Mr. FITZGERALD] does not answer, perhaps the gentleman from California can tell me how many inspectors are to be engaged at this new work.

Mr. RAKER. That is a matter for the chairman of the committee, and I am speaking on another matter.

Mr. MOORE. Upward of \$300,000 additional is to be appropriated for additional inspectors. I should like to know how many are to be employed and what the nature of the work is. The gentleman ought to know that.

Mr. FITZGERALD. I stated that I did not know.

Mr. MOORE. I think it is a fair proposition.

Mr. FITZGERALD. I do not know. I can not say any more than that. I am not going to volunteer information when I have not got it, even to satisfy the gentleman from Pennsylvania.

Mr. MOORE. Then the gentleman votes the money of the people in this way because somebody comes from the Department of Labor and asks for it.

Mr. FITZGERALD. No; not exactly.

Mr. MOORE. And the gentleman makes no justification of it; yet when we ask for a building for an arsenal to save money for the Government, the gentleman wants full details.

Mr. FITZGERALD. It is so easy to determine that some things ought not to be granted that it is unnecessary to take up much time with them, particularly the ones advocated by the gentleman from Pennsylvania.

Mr. GARDNER. Mr. Chairman, I desire to oppose the amendment to strike out the last word.

The gentleman says the estimates of the Bureau of Immigration were for \$360,000 more than the amount of the last sundry civil bill. That is true; but if he had said that they were \$265,000 more than what was actually appropriated last year, he would have made the statement in better form.

Mr. FITZGERALD. I made it in practically that form, but I was not given a chance to do the arithmetic. I said that, in addition to what was carried in the sundry civil bill, \$95,000 was carried in the deficiency bill. I did not get a chance to make the subtraction, because nobody can do much talking with the gentleman from Pennsylvania occupying the floor.

Mr. GARDNER. Mr. Chairman, the reason for that deficiency appropriation, which was opposed by the gentleman from New York [Mr. FITZGERALD], who for some reason always opposes appropriations referring to the Immigration Service—the reasons for that appropriation which, he says, he has forgotten were that at New Orleans they had a new immigration station, and at Galveston, Tex., another. Moreover, the Philadelphia station was opened in 1912, in August. All these stations entailed new expenses, and the same is partially true as to Chicago. Then for general Immigration Service they put on a force in the last fiscal year on the Canadian border, with additional employees drawing \$14,720, and so on. That was the reason for that \$95,000 extra which we gave the Bureau of Immigration in the deficiency bill.

Here is a great, growing service. Congress is appropriating for new stations everywhere, making new requirements all the time, and the gentleman proposes to give that service a beggarly \$5,000 more than it had last year.

Mr. O'Donnell, the special immigration inspector, appeared before the Committee on Appropriations. He is very familiar with the details of the service, and he told the committee why the bureau needs \$2,910,000. Mr. O'Donnell asked for an increase so that they can raise the pay of watchmen, laborers, and charwomen. Why? Because the watchmen are receiving only \$720 to \$840 a year, while the customs guards, doing pretty much the same work in another service, are getting from \$840 to \$1,080 a year. The charwomen get \$660 a year, and it is proposed to give them \$720.

Mr. O'Donnell says that they have been forced to suspend the payment of hospital expenses to the States for the maintenance of aliens, and so forth. You do not propose to give them enough money to do it. Then the time has come for another census of penal and reformatory and penal institutions as required by the immigration act of 1907. Furthermore, Mr.

O'Donnell declares that the bureau is hampered by lack of funds requisite for the investigations incident to the deportation of persons under the white-slave act. Likewise, the ever-increasing force of inspectors will be cramped in the matter of salaries. I shall not move to raise this amount by \$260,000 so as to meet the conservative estimate of the Bureau of Immigration, for the reason that I realize the strength that the gentleman from New York [Mr. FITZGERALD] deservedly has in this committee. I know there are very few Members present. I know there are a number of gentlemen who have not heard the discussion who will come out of the catacombs yonder and pass down the aisle and view the remains and defeat this extra appropriation. Therefore I propose to let the thing go by to the other end of the Capitol and see what may be done there.

Mr. MOORE. I have just found what I desired to find a while ago; and if the gentleman will permit me, I will say now that on page 1541 of the hearings it appears that the number of these inspectors in 1913 was 95, and that it is proposed to increase the number to 150, an increase of 104 in 1915.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:

"Page 150, line 21, strike out the figures '\$2,650,000' and insert in lieu thereof '\$2,907,100.'"

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the committee having already stricken out the figures "2,650,000" and inserted "2,649,000," it is not now in order to strike out that sum and insert some other sum. If the Chair wishes a decision, I have it at hand.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. RAKER. Now, Mr. Chairman, on the question of a point of order—

Mr. FITZGERALD. If the gentleman from California wants five minutes to discuss the matter, I am willing to reserve the point of order, but I am not willing to let the discussion run on for a considerable period and fritter away time uselessly on this point of order.

The CHAIRMAN. Will the gentleman from New York furnish the Chair with the ruling? Does the gentleman from California desire to discuss the point of order?

Mr. RAKER. I would like to have the point of order reversed.

Mr. FITZGERALD. I want to make some progress with this bill. I will reserve it. I know the point of order is good. If the gentleman wants five minutes to discuss the matter, I have no objection, but I do not want a long discussion.

Mr. RAKER. If such a decision was rendered, it seems that it was weak and inefficient.

Mr. FITZGERALD. Oh, no; the rule is well settled in Jefferson's Manual and by a ruling and determination of the House—that after an amendment striking out and inserting words you can not move to have those inserted words stricken out and something else put in.

Mr. MONDELL. What is the gentleman's point of order?

Mr. FITZGERALD. The committee having already stricken out a sum and inserted another, it is not now in order to strike out what was inserted by the committee and insert something else.

The CHAIRMAN. That the amendment came too late.

Mr. RAKER. Mr. Chairman, I will take the five minutes.

Mr. FITZGERALD. I will reserve the point of order.

Mr. MONDELL. If the point of order is going to be pressed, I should like to be heard on it.

Mr. FITZGERALD. I am not only going to press it but I will furnish the Chair with the ruling and save time in discussing it.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman, this is a very important amendment. There are many important matters under the Department of Labor, and the Bureau of Immigration in particular, that ought to be done. While the number of men in the service are not enough in the department at the present time, that is a minor question. One has but to go to the department to-day to see the want of men, not only as electricians but actual assistants, in that department. A man that is acting as engineer, chief electrician, has to act as a night watch. I know that because I have seen it with my own eyes. He has to act as elevator boy, and when men are going and coming from work they have to

wait. As I say, these are minor matters. The important matter is furnishing a sufficient amount of money to the Immigration Service to enforce the immigration laws; to thoroughly run down and determine those who are illegally here, those who have entered the country in violation of law; and, second, those who are illegally here under the Chinese-exclusion law, who have come over the border from Canada; and we know they are coming right along. The record shows that they pay from \$500 to \$1,500 to get across. Some of the smugglers are arrested and convicted. It is the same way with those who come from Old Mexico, and the same is true in regard to the white-slave trade. There ought not to be any parsimony in appropriations to supply a sufficient amount of money to enforce this law properly and legitimately in all of its phases and at all times.

Mr. MOORE. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MOORE. I think my colleague will bear me out when I say that I have said publicly in the House and before the committee that I favor a proper inspection system and that I favor stopping this unlawful immigration at the source.

Mr. RAKER. Yes; stop it at the ports, make the best inspection you can, and after you have made the inspection there are those that will come in surreptitiously, those that violate the law and are smuggled in; and we certainly ought not to allow the law to be disregarded and let those people stay here. They ought to be found out and run down, arrested, and deported.

Mr. MOORE. That is all right. Does the gentleman know any reason why those of us who are Members of Congress and members of the Immigration Committee should not ask for information regarding a lump-sum appropriation involving the administration of so large a fund?

Mr. RAKER. The gentleman has full information on the matter, or he can obtain it from the record of the Committee on Appropriations, and he can obtain it from the Bureau of Immigration.

The misfortune about this item is that if the committee had had the full information before it undoubtedly it would have given the \$210,000 additional for this work, and the Commissioner General of Immigration realizes now that instead of holding so close to his office and writing some decision and looking over important matters on his files he should have come personally before the committee on this important subject, as he told me yesterday, and says it never will occur again. But this does not justify the refusal of the appropriation. These people under him are good young fellows, but they have not had the experience and do not understand the situation as does the Commissioner General as to all these important subjects involving immigration, and so forth, and the enforcement of the laws on all of these subjects.

Now, we are not taking anything out of the Treasury; we are taking no money from anybody that has been paid in. This Government, in its small charge to those who come into the country, is paying many times the entire expense of the whole Immigration Service, and sufficient money should be appropriated to carry the service with a full force so all the work can be done and the laws fully and properly enforced. And we ought to have enough inspectors, enough money, and enough men at all places to see that every word and letter of our statute, which is certainly insufficient enough as it is, is enforced and to keep those out who are trying to come to this country and take the place of those who are entitled to be here, to take the bread out of the mouths of the men and women and children who are trying to live in this country. They are willing to pay from \$500 to \$1,500 each to get in on the western coast, and I want to say to you that this Congress ought not to hold back one minute, but it ought to give enough money to see that those people are kept out and that they are sent back home where they belong. It is hard enough to make a living here as it is. Money is hard enough to get without bringing people from other countries who will not even assimilate with our own people, who will not become a part and parcel of the community in which they live, and we ought not to permit them to continue to come in and take the place of our American men and women, to go into the various laundries and hotels and homes and drive the young girls from their employment and from opportunities to make legitimate and honest wages, so that they may hold up their heads and be a part and parcel of this great country. The provisions of the exclusion laws and the immigration laws prohibiting the entering or remaining here are most wholesome, and the only way to make them effective is to have money enough to employ a sufficient number of men all along the line.



The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FITZGERALD. Mr. Chairman, just one moment before the Chair rules on the point of order. I desire to make a brief statement in reference to some of the remarks made about this item. This estimate did include, I think it was, \$28,000 for the purpose of increasing compensation of certain employees of the Immigration Service. If the money were appropriated, the department could not increase the compensation, because it is prohibited from doing so under the law, so that the mere fact that money is asked to increase compensation is not always a sufficient reason for giving it. In 1913 the appropriation for the Immigration Service was \$2,525,000. An unexpended balance of \$30,000 was on hand at the end of that fiscal year, and for that year, 1912, the appropriation was \$2,525,000. The estimates were \$2,600,000. For 1913 the appropriation was \$2,225,000, and the estimate was \$2,575,000, and yet although the appropriation was less than the amount requested, there was an unexpended balance of \$30,000.

Mr. J. I. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me on the question of the unexpended balance?

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER. That was on the 1st day of May, was it not?

Mr. FITZGERALD. I am talking about the fiscal year 1913.

Mr. GARDNER. Oh, I was reading the evidence of Mr. O'Donnell. "The unexpended balance ascertained this morning was approximately \$30,000." That statement appears in the hearing of May 1, 1914; but there were then two months left of the present fiscal year.

Mr. FITZGERALD. The unexpended balance for 1913.

Mr. GARDNER. Beginning June 30, 1912?

Mr. FITZGERALD. Yes. For the current year the estimate of \$2,625,000, and the committee recommended \$2,550,000. I believed when the sundry civil bill was prepared and enacted in the last Congress it was ample to properly perform the work of this service. This House provided in the deficiency bill \$35,000 additional, which was \$19,000 in excess of the original estimate of the department. For the next year the committee recommended \$2,650,000, which is \$5,000 more than is given for the current year. Among the estimates presented for the current year there was included the employees in some of these new stations, including the one at Charleston, S. C. I have been to Charleston, S. C. I have seen the station. It is built and finished. It is boarded up, and never had an immigrant in it and it probably never will. No immigrants come there, and yet we have requests for a certain force of men to man and operate that station. I am interested in the Immigration Service.

Mr. GARDNER. Mr. Chairman, will the gentleman yield on that Charleston station?

Mr. FITZGERALD. Yes.

Mr. GARDNER. Was not that at the time when the State of South Carolina was herself importing immigrants into Charleston that that force was asked for there?

Mr. FITZGERALD. A station was established, and I think there was one boatload came over.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken as to the facts that I have recited. That station was erected, equipped, completed, and it never had an immigrant in it, and it is now actually boarded up, so that nobody can get into it, and it stands out, isolated, a monument.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARDNER. How many years ago was that that it was authorized?

Mr. FITZGERALD. Not a great many years ago. It was a provision put on in the Senate in my time and in the gentleman's time.

Mr. GARDNER. It was before the passage of the act of February 20, 1907, which stopped the State of South Carolina from importing immigrants.

Mr. FITZGERALD. It has been completed within two or three years. This committee recommended what I consider to be ample. I do not think that anyone could justify making the appropriation as requested for this service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURNETT. Does not the gentleman think if more appropriations were made, especially for the inspection service, you would get more and better physicians and surgeons and that there would be better inspections at Ellis Island, and fewer insane go into the asylums of the gentleman's own State?

Mr. FITZGERALD. No; because we provide for that inspection, to prevent the insane coming in, in the Public Health Service. The physicians in the Public Health Service make those examinations, and we have provided amply, and in a manner that has been highly satisfactory to the Public Health Service, for the increase of their force last year.

Mr. BURNETT. During the present session of Congress?

Mr. FITZGERALD. Yes; we made an increase in this bill—

Mr. BURNETT. In this bill?

Mr. FITZGERALD. In this bill.

Mr. BURNETT. I wanted to know, because there is great complaint, and the gentleman knows there have been great complaints along that line.

Mr. FITZGERALD. Not only that, but the Committee on Appropriations, in the attempt to secure men who would be competent to detect these mental defectives, put a provision in last year requiring them to select a certain number of physicians who have been specially trained for that purpose, and we had a provision in this year, but it was taken out on the point of order. There is no more important question to the community in which I reside than an efficient inspection in order to eliminate and keep out, as they should be kept out of this country, mental defectives who come from other countries.

Mr. BURNETT. That is not embraced in this appropriation?

Mr. FITZGERALD. It is not out of this appropriation. That service is separate; and I will go as far as anybody would suggest within limits.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. The gentleman knows that the certificate of the examining medical officer is supposed to be conclusive, and yet the law has been construed in such way that an appeal is taken to the Secretary of Labor in all except extreme cases. Consequently, reports of the medical examiners of the Public Health Service, as a matter of fact, are passed on not merely by a board of inspectors but also often by the Department of Labor itself.

Mr. FITZGERALD. My experience has been that the certificate of the physician is conclusive.

Mr. GARDNER. Excuse me. If the gentleman will allow me to explain exactly what happens, section 10 of the immigration act provides that the certificate of the medical examining officer shall be binding on the board of special inquiry, but in one of the rules of the Bureau of Immigration is inserted the word "solely," construing that word into that particular section of the act. Only in the cases of insanity and certain other mental defectives is the surgeon's certificate binding. As a matter of fact, in the month of October, of which month we have some figures, there were nearly 4,000 persons certified as defective, mentally or physically, by the medical examiner. On appeal a good many more than half of those people were, as a matter of fact, admitted to this country, so that the gentleman will observe that the surgeon's certificate is not binding.

Mr. FITZGERALD. I think most Members have knowledge that persons are certified as physically defective, and it turns out that they are suffering from some ailment that an ordinary slight course of treatment cures, and friends or relatives have them detained at the hospital at their expense, and when they are cured they are admitted. I doubt if the law ever intended that persons of that class should be excluded, but if they had a dangerous or an incurable disease, they should be excluded.

Mr. MOORE. The gentleman from Alabama [Mr. BURNETT] raises a question that is uppermost in the minds of some of us in regard to that kind of immigration. A better inspection at ports of entry, perhaps, would remedy a good deal of this evil of which we complain. I call the attention of the gentleman to the testimony of Mr. O'Donnell, page 1537 of the hearings, in which he explains the need for an appropriation of \$172,000 to enforce the white-slave act, and suggests that it would not begin to cover the work that ought to be done in this country. Thus arises the proposition whether we should not put some limitation on the number of inspectors who do this home-guard work elsewhere than at the ports. If these aliens are admitted—aliens who are criminals or unlawfully here—they ought to be stopped at the port. The best inspection work is to be done there. Mr. O'Donnell says in his testimony:

There are probably thousands of them in this country—

Indicating the kind of people they are—

but you could easily spend half a million dollars a year in going after them, and we do not contemplate doing that. It would be too stupendous an undertaking to do it all at once.

Now, we ought to consider to what extent we are going to permit inspectors to go from city to city, and from house of ill fame to house of ill fame, perhaps, to find out whether such people are in this country or not. A great many of them could be apprehended at the ports of entry. It would be better to stop them there rather than go round searching for them after they have been admitted. The question is largely one of administration at the borders and at the ports, and as to this we are entitled to the judgment of the department.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that my amendment be modified by inserting \$2,907,100 instead of, as it was before, \$2,910,000.

Mr. MANN. The gentleman can not amend it with the point of order pending. If the gentleman would ask to withdraw the amendment, he can do so.

Mr. RAKER. I will not withdraw it, but I thought this might have some bearing on the point of order; and that being the case, I wanted to be sure and relieve the situation, and that then the point of order might be decided.

Mr. MANN. The gentleman could hardly amend an amendment while the point of order is pending.

The CHAIRMAN. Except by unanimous consent.

Mr. RAKER. I see there is no objection to it.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment—

Mr. RAKER. That is my request.

The CHAIRMAN. By inserting the figures \$2,907,100 instead of \$2,910,000. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection to its being so modified, and to that amendment as amended the gentleman from New York [Mr. FITZGERALD] makes the point of order.

Mr. MONDELL. Mr. Chairman, I did not understand the amendment. Does the amendment simply reduce the amount?

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Page 150, line 21, strike out the figures "\$2,650,000" and insert in lieu thereof "\$2,907,100."

Mr. MONDELL. Mr. Chairman, I do not now understand the change in the gentleman's amendment.

Mr. RAKER. The change in the amendment eliminates from that lump sum the \$2,900 which was provided for in the Dupré amendment.

Mr. MONDELL. As I understand it, Mr. Chairman, the point of order made by the gentleman from New York is that this amount having been modified by the committee another motion to still further modify and change the amount is not in order?

The CHAIRMAN. That is the point of order as the Chair understands it. To state it more explicitly, perhaps, the point of order made by the gentleman from New York [Mr. FITZGERALD] is that the committee having voted to strike out and insert, it is now in order to strike out that which was inserted.

Mr. MONDELL. Well, that is a rather technical statement of the point of order, it seems to me; but, assuming that to be the gentleman's point of order, my notion is that it is not well taken. Now, if there is any logic in that point of order at all, it is on the proposition that there should be an end to amendments affecting a certain feature of the bill. The theory is that the House having taken up and discussed and amended a certain item or feature of the bill, that ought to be the end of it; otherwise amendment after amendment could be offered indefinitely, modifying the language, changing the amounts in an unimportant or trifling way, and much time would thereby be consumed. There can be no other theory as the basis for the gentleman's point of order except that it would prevent delay and filibuster to sustain it. However, the rules of the House should never be so interpreted as to prevent the House from carrying out its will. If amendments are offered which simply consume time and delay business without greatly affecting legislation, they may very properly and should be held out of order. But this is what an adherence to the point of order offered by the gentleman from New York [Mr. FITZGERALD] would lead us to. Let us take the case before the committee.

The gentleman from Louisiana [Mr. DUPRÉ] offered an amendment which, in fact, was not, so far as its main purpose

went, intended to affect the amount of the appropriation. He used the Holman rule as a handle to secure a change of existing law. That was the first amendment offered. He was the first gentleman recognized. That was the first opportunity there was to offer an amendment to this item. He made his motion. It is true a motion could then have been made to substitute for the amendment offered by the gentleman from Louisiana an amendment simply increasing the amount of the appropriation. But an amendment offered at that time, of that character, under the circumstances could not in the nature of things have fair consideration before the House, because if the substitute were adopted under the rule now invoked by the gentleman from New York, then the change of law contemplated by the amendment of the gentleman from Louisiana could not have been secured. The House might wish to both increase the appropriation and make the change of law. But if the point of order made by the gentleman from New York is good, there is no possible way in which that could be done.

Now, I grant you, Mr. Chairman, that if any gentleman had offered an amendment simply changing the amount carried in the bill, and that had been debated and voted on, it would have settled that proposition, because that would be the judgment of the House as to the amount carried in the bill. It would be a waste of time, it would simply be giving an opportunity to delay and filibuster to allow other amendments directly on that point. But if a gentleman can be recognized to reduce an appropriation by 1 cent or to increase an appropriation by 1 cent, more or less, coupled with a legislative proposition, and by so doing he can prevent the House, if favorable to the legislative provision, from increasing or decreasing the amount of the appropriation—if that is to be the rule here—it would be very easy, indeed, by offering such amendments to prevent the House from carrying out its will relative to the amount of appropriations.

I have hurriedly glanced at the cases cited by the gentleman from New York. I do not think any of them bear directly on this point. They all of them relate to amendments covering practically the ground of prior amendments, either adopted or rejected. They were perhaps very properly held out of order, because their consideration would simply be thrashing old straw, going over the same old ground again, with possibly some very slight and probably immaterial change.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MANN. What line would the gentleman draw between the amendments which the Chair would recognize in order and those which the Chair would not recognize in order, to amend an amendment which had already been agreed to—the arbitrary will of the Chair?

Mr. MONDELL. The rule of reason.

Mr. MANN. I am asking the gentleman now, being a very reasonable man, if he can draw that rule of reason? I am sure nobody else in the House can do so.

Mr. MONDELL. I am sure the gentleman from Illinois would have no trouble at all in doing it. I am sure that the present occupant of the chair would have no difficulty in immediately recognizing the difference.

Mr. MANN. Well, the gentleman from Wyoming said that the amendment which reduces an amount 1 cent, if that was agreed to, ought not to prevent further amendments. Now, what would the gentleman say if the amount was reduced \$10, or \$100,000, or \$1,000,000?

Mr. MONDELL. Possibly the gentleman did not clearly understand me. I believe an amendment that either reduced or increased the amount by a single penny, if that was all there was to the amendment or was the important feature of the amendment, would express the will of the House with regard to that proposition. Thereafter there should be no further opportunity to consume time in a discussion of that matter which the House had settled. But when such an amendment, slightly increasing, slightly reducing, carries a substantive legislative proposition, the matter of reduction or increase is incidental; almost immaterial. The gentleman from Louisiana, as a matter of fact, had no real desire, I assume, to reduce this appropriation, but it became essential to reduce it in order to secure the legislation he favored. He secured his legislation. That should not preclude the House from expressing its will as to the amount of appropriation. I again beg to call the Chair's attention to the fact that if that can be done it would be very easy indeed for the Committee on Appropriations to offer amendments carrying legislative provisions acceptable to the House, reducing an appropriation by a few pennies, in order to clinch the matter so as to prevent the House from expressing its will on the main issue of how much we shall appropriate for a given object. Why, the amendment of the gentleman from



Louisiana related to one official. It did not take into consideration this service in all its wide reach at all.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to ask a question? There could have been an amendment offered to the amendment proposed by the gentleman from Louisiana [Mr. DUPRE]?

Mr. MONDELL. I do not understand.

The CHAIRMAN. There could have been an amendment proposed to the amendment offered by the gentleman from Louisiana [Mr. DUPRE] changing the amount?

Mr. MONDELL. Not by increasing it, because the Chair ruled that the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Louisiana was not in order. The amendment offered by the gentleman from Louisiana came within the rule because it reduced this appropriation. The Chair very properly held that a modification which did not bring the original amendment as thus amended within the Holman rule was out of order, so that there would have been no possible way in which a proposition to increase this appropriation could have been presented to the House as an amendment to the amendment of the gentleman from Louisiana, and considered on its merits.

Mr. MANN. If the gentleman will yield, so that that statement will not go uncontroverted in the Record—

Mr. MONDELL. I shall be glad to—

Mr. MANN. I wish to say that the Chair did not rule as the gentleman stated—that the amendment changing the amendment would not be in order. What the Chair ruled was that the amendment must show on its face that there would be a reduction in the expenditure.

Mr. MONDELL. What I meant to say was that the Chair did hold that an amendment modifying the motion of the gentleman from Louisiana in such a way that, had it been offered as an original proposition, it would not have come within the Holman rule, was not in order.

Now, the amendment of the gentleman from California, if offered as an amendment to the motion of the gentleman from Louisiana, would have been held by the Chair to be out of order, because then there would have been no reduction in the amount carried in the bill; and it was by reason of the fact that there was a reduction in the amount carried in the bill involved in the motion of the gentleman from Louisiana that the Chair held that motion to be in order under the Holman rule.

It is true that the motion also reduced the salary of a public official; but I take it that the Chair held that the two things, the two features of the amendment, taken together, brought it within the rule. One was that the amount carried in the bill was reduced. The other was that the salary of an official was reduced. I think if the amount carried in the bill had not been reduced, the Chair would undoubtedly have held that it did not come within the Holman rule.

Now, the gentleman from California proposes to increase the appropriation. Had he offered that as an amendment to the motion of the gentleman from Louisiana, it would have been held out of order, and properly. The proposition therefore is simply this, that while any motion which simply brings the House into a condition of thrashing over old straw, which simply consumes time in discussing a matter that has been discussed and settled, is out of order—

Mr. MANN. Will the gentleman yield for just another question?

Mr. MONDELL. In a moment. It can not, and does not, follow that because a word or a figure, among others, in a bill has been changed by action of the House, having a certain object in view, that word or figure can not be changed when the House proceeds to seriously consider the matter from a different angle for a different purpose.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. MANN. I understand that the gentleman is contending that the amendment that the House agreed to can now be further amended. Does that proposition apply to all of the amendment, or simply to one part of it? Does the gentleman think that the Chair should agree that an amendment to one word is in order, but an amendment to another word is not in order?

Mr. MONDELL. I do not think that an amendment which attempted to undo what the House did on the real point at issue would be in order, but the real point at issue was not the reduction of the appropriation.

Mr. MANN. Certainly, that was the point at issue.

Mr. MONDELL. The point at issue was the status of a public official. That was the point at issue, and that was the point on which the House voted. That was the point discussed

by the gentleman from Louisiana. He did not discuss the question of the reduction of the appropriation for a moment. The House did not consider it for a moment. There was not a Member who voted for the amendment because it reduced the appropriation and there was not a Member who voted against it because it reduced the appropriation.

The CHAIRMAN. So far as the rules of the House were concerned, however, it was only the question of the amount that served as the basis for the ruling.

Mr. MONDELL. Yes; the amount; and the Chair also took into consideration the fact that it reduced the compensation of an official, because the Chair held that when a motion was made that restored that compensation, then the amendment was so modified that it did not come within the rule. The Chair decided that it was in order on the two propositions combined.

The CHAIRMAN. That was the ruling of the Chair.

Mr. MONDELL. I think the Chair was right about it. But the present condition is that the House can not express its judgment with regard to appropriations. If we have that sort of a rule, we ought to amend it. If there is such a ruling, it ought to be overturned.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MANN. Have we any rules of the House under which I can offer an amendment on page 34, changing the amount that has been agreed to?

Mr. MONDELL. I think not.

Mr. MANN. The gentleman's proposition is that we ought at all times to have a method by which the House can express its will.

Mr. MONDELL. Oh, at the time. I grant you that the House, or Members of the House composing the Committee of the Whole at various times, might have modified their views or changed their views or altered their views in regard to a matter, and it would not be proper to go back; otherwise we never would get through with the business.

So far as the point of order made by the gentleman from New York has any force at all, or is in any way founded on logic, it is in the fact that it seeks to prevent the taking up of the time of the House uselessly. But when it is invoked to a point where it prevents the House from expressing its will at the time when a matter is under consideration, it certainly is not logical and it certainly is not consistent with good legislative procedure. The House ought to have an opportunity to express its views on the amounts carried in the bill, and the House has not had an opportunity to do that, and in fact has not attempted to do it until now.

Mr. PETERSON. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. The Chair is prepared to rule.

Mr. GARDNER. Will the Chair indulge me? I do not want to exhaust his patience.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. If the Chair rules in favor of the point of order made by the gentleman from New York, will the Chair comment on this possible situation? At the time the gentleman from Louisiana was offering his amendment, which incidentally reduced the amount carried in the bill, suppose that I had sought to amend that amendment by a clause relating to some entirely different subject germane to the whole Immigration Service subdivision, and yet not germane to the amendment of the gentleman from Louisiana—let us suppose that my amendment would have raised the total amount carried—obviously my amendment could not have been entertained as an amendment to the amendment of the gentleman from Louisiana, because it would not be germane. How could this committee ever express its opinion on the amendment which I was seeking to offer unless the amendment of the gentleman from Louisiana was voted down?

The CHAIRMAN. The question presented by the gentleman from Massachusetts [Mr. GARDNER] is a very difficult one. The matter is not at all free from difficulty. If it were an entirely original proposition, the Chair is not sure how he should feel constrained to rule. But there are certain precedents here that seem to be in line.

On page 388 of volume 5 of Hinds' Precedents it is stated that—

Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words.

Mr. MONDELL. Will the Chairman allow me to suggest that we do not do that in this case?

The CHAIRMAN. The matter under consideration, apparently, at the time that ruling was made, was the Philippine tariff bill. An amendment was agreed to, and shortly there-

after—on January 16, 1906, the proceeding took place—Mr. Parker, of New Jersey, proposed an amendment to strike out the latter portion of an amendment already agreed to, and a succeeding portion of the text, and to insert other words.

The gentleman from Pennsylvania, Mr. Olmsted, whom we all remember as a very clear reasoner and a most excellent presiding officer, ruled as follows:

The Chair finds that the amendment proposed is to strike out the words, beginning in line 5, page 3, "wholly the growth and product of the United States shall be admitted to the Philippine Islands from the United States free of duty." These words form a part of the amendment to which the committee has already agreed. While the question is not entirely free from doubt, the Chair is of the opinion that the amendment proposing to strike out what the committee has once voted in is not in order.

In February, 1913, at the conclusion of the District of Columbia appropriation bill, Mr. MARTIN, of South Dakota, moved to recommit the bill to the Committee on Appropriations with instructions to strike out a certain amendment agreed to in committee and insert a sinking-fund provision. The gentleman from New York [Mr. FITZGERALD] made the point of order that the House, having just adopted the amendment described, the motion to strike out and insert another was not in order, and the present Speaker of the House sustained that point of order.

Those two decisions are cited here as being in line.

If there had been an amendment offered by the gentleman from Louisiana [Mr. DUPRE] simply to reduce the amount, say, \$50, and that had carried, the Chair does not presume that it would be insisted by any gentleman that you could now strike that out and insert another set of figures. But simply because the Holman rule was invoked, and in addition to a reduction there was legislation, it is insisted that therefore there ought to be a differentiation in this instance, and that any other ruling will work a hardship. Now, that may be. It may work a hardship. The Chair can see where it may render procedure somewhat cumbersome. Nevertheless that is not the fault of the Chair; but, if there be a fault, it is a fault of the rule itself.

The Chair thinks that to hold otherwise than in accordance with the precedents that have been cited, and the plain reasoning which was suggested by the gentleman from Wyoming that some time there must be an end to these propositions, would be to throw the whole matter over to the arbitrary will of the Chair, and the judgment of the Chair would be appealed to as to what amendment might be offered, rather than a consistent line of rulings. The Chair thinks the safe ruling is to sustain the point of order, notwithstanding the fact that it may work some embarrassment. Accordingly the Chair sustains the point of order made by the gentleman from New York.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER:  
Page 150, line 21, after the figures "\$2,650,000" as amended, add the words "plus \$260,000."

Mr. FITZGERALD. I make a point of order against the amendment.

Mr. GARDNER. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. Of course, this amendment accomplishes the object of the gentleman from California [Mr. RAKER], only in an entirely different way. It takes advantage of a technicality in the rulings, just as the point of order made by the gentleman from New York [Mr. FITZGERALD] takes advantage of a technicality in the rulings. I refer the Chair to page 387 of volume 5 of Hinds' Precedents, section 5764, which reads as follows:

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

That is precisely what I propose to do. Now, the Chairman knows very well that parliamentary rules are purely questions of form. It is the vortex of form into which amendments are drawn. Under parliamentary law it is not so much what you do as how you do it. It is perfectly obvious that the reduction of the amount carried in the amendment of the gentleman from Louisiana [Mr. DUPRE] was simply a device to bring the amendment under the Holman rule. This result was accomplished, and in consequence of the success of that device the Chairman held that a legitimate amendment was out of order, and I think held so properly under the rulings; but I think the decisions are wrong. I think the decisions are contrary to common sense. And the question I put to the Chair is this: When the gentleman from Louisiana nominally reduced the sum of \$2,650,000 and then proceeded to tack on legislation, if any gentleman in

this House had desired to offer an amendment to the amendment proposing quite different legislation and increasing the amount carried in the paragraph, the Chairman would very properly have ruled such motion to be out of order. After the Chairman ruled the gentleman from Louisiana to be in order, if the ruling on the Raker amendment is to hold, it ceased to be possible to offer any amendment not germane to the Dupre amendment. In other words, the moment the gentleman from Louisiana was recognized, if his amendment were agreed to, it would be impossible to consider any proposal, no matter whether in accordance with existing law or not, which affected the amount carried in this paragraph, unless such proposal was germane to the Dupre amendment. So I—trying, as we always do when there seems to be a parliamentary tangle in which common sense is in conflict with the rule—have offered an amendment which I think technically is in order, although by all the laws of common sense, if the amendment of the gentleman from California [Mr. RAKER] ought to have been declared out of order, then my amendment ought to be declared out of order.

Mr. FITZGERALD. Mr. Chairman, I submit that it should be declared out of order and that it is out of order. What is the effect of the amendment? The gentleman from Louisiana offered and had held in order an amendment, because one of its essential features was a reduction of the amount carried by the bill. Any amendment proposed after that was adopted which increased that amount—increased the amount carried by the bill—can not possibly be in order, because the two are inconsistent.

The rulings cited by the gentleman from Massachusetts are not similar to this—a new paragraph and proviso were held in order and amendment adopted. The language that made possible the consideration of the amendment of the gentleman from Louisiana was the fact that it did two things—one to reduce the amount carried by the bill, and the other to reduce the compensation of an official. If this amendment of the gentleman from Massachusetts is to be held in order, an item of the bill will carry a certain amount; the gentleman in order to amend the bill makes the plea that he has reduced the amount carried by the bill and gets the amendment considered in order. Thereafter he immediately strikes out the reduced amount and increases it and adds additional money to increase the amount; and the whole theory, the whole philosophy, of the rules that have been adopted for the protection of the House is completely upset. I think this amendment, if by any possibility it could be held in order, would completely destroy the effectiveness of the rule to protect the House against legislation on appropriation bills.

It must be remembered, too, that the Holman rule is a drastic rule, and it is designed for the purpose of enabling the House to enact legislation, to effect economy, and bring about retrenchment in the public service. If such a procedure as this can be adopted, the effect of the Holman rule will be not to permit consideration of amendments that will effect economies but will bring about a procedure that simply opens the way to legislating upon appropriation bills without any attempt whatever at economy.

Mr. GARDNER. Mr. Chairman, in answer to the statement of the gentleman from New York that the decision I cited is not parallel. I want to say that it is a great deal more parallel than the decision which the Chair cited—I mean the decision of Chairman Olmsted. Mr. Olmsted decided that a certain amendment to the Philippine tariff bill was out of order. He decided that it was out of order because it proposed to strike out an essential part of an amendment already adopted by the House.

The amendment of the gentleman from California [Mr. RAKER] proposes to strike out an unessential part of the amendment adopted. Now, let me comment upon what the gentleman from New York says about the working of the Holman rule. The working of the Holman rule may or may not have been designed to maintain the barrier against general legislation on appropriation bills. I refer the Chair to a decision which I do not think appears in Hinds' Precedents; at least, if it does, I have not found it. It is on page 268 of the Manual for the Fifty-third Congress, first session, one of the Crisp Congresses:

To an item appropriating for free-delivery service \$10,450,000 an amendment was submitted striking out that sum and inserting \$10,449,000, to be disbursed in a manner prescribed by a new provision of law.

In other words, the technicality of the reduction of \$1,000 was resorted to so as to bring the amendment under the Holman rule, and in that way substantive legislation was made in order. It was held that the amendment was germane; that while it



changed existing law it reduced the amount appropriated by the bill and was therefore in order.

Mr. MANN. Mr. Chairman, the decision just quoted by the gentleman from Massachusetts has been overruled in the last Congress and in this Congress. I cited not merely the decision in the manual, but I cited the complete proceedings on another occasion, where a similar ruling was made by a previous Chairman, and in the last Congress the Speaker held, after these matters had been discussed at length, that it was not sufficient to merely reduce the amount under the Holman rule, but that the amendment itself had to show on its face that there would be a substantial reduction in the expenditure of the Government. So that ruling is out of date.

What is the proposition now pending? An amendment was offered making a slight reduction in the amount carried in the bill and providing some substantive legislation. I do not undertake to say that after that amendment had been held in order it would have been proper to have offered an amendment changing the amount carried by the amendment, but if it would have been in order to offer an amendment changing the amount, then the House clearly had the opportunity to make that change.

Mr. GARDNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. Would the House have had an opportunity to change the substantive legislation carried in the amendment?

Mr. MANN. Certainly.

Mr. GARDNER. By a nongermane amendment?

Mr. MANN. No; I assume that the gentleman's amendment would be germane.

Mr. GARDNER. I was trying to find out when the House could have passed another proposition after the gentleman from Louisiana was once recognized on a proposition not germane to his.

Mr. MANN. I may be thickheaded, but I do not know what the gentleman is driving at.

Mr. GARDNER. It is the same question I asked the Chair. The gentleman from Louisiana introduces an amendment containing a substantive proposition of legislation and reducing the amount carried in the bill. Suppose I had wished to introduce a substantive proposition which would affect the amount carried in the paragraph, a proposal in accordance with existing law, but not germane to the proposition offered by the gentleman from Louisiana—at what point could it have been done?

Mr. MANN. Clearly it would have been in order to offer a substitute to the motion of the gentleman from Louisiana and increasing the amount. I still have not understood the gentleman's question. The gentleman talks about offering a non-germane amendment.

Mr. GARDNER. Not germane to the amendment offered by the gentleman from Louisiana.

Mr. MANN. Then it has nothing to do with the bill, because such an amendment would have been germane. The gentleman might offer an amendment declaring that the moon was made of green cheese.

Mr. GARDNER. Is the gentleman from Illinois trying to discuss the question or to confuse the issue?

Mr. MANN. Well, that is in accordance with the assumption that no one uses common sense unless he argues on the side of the gentleman. I do not agree with that proposition either. What is this proposition? If it were in order on that motion, the gentleman from Louisiana could have moved to increase the amount. That was within the control of the House. That is a very plain proposition. If it was not in order at that time to move to increase the amount, then the gentleman's amendment would not have been in order as an amendment to the motion of the gentleman from Louisiana. That is perfectly plain. The gentleman now offers an amendment which is not in order technically, because it proposes to change the amount, \$2,650,000, carried in the bill, when there is no such amount carried in the bill at this time.

Mr. GARDNER. Mr. Chairman, will the gentleman yield? I am sure the gentleman does not want to misstate the amendment.

Mr. MANN. I am not misstating it.

Mr. GARDNER. But the gentleman has misstated it.

Mr. MANN. I know the gentleman said "as amended." If the gentleman would not go off half cock, but would wait until he heard a discussion, we would get along better. I did not interrupt either one of these gentlemen, although both talked until I was very tired; and I will not, if they will not interrupt me. The gentleman proposes to insert in place of the amendment, the sum named in the bill—\$2,650,000—although there is no such sum named in the bill, and saying "as amended," means nothing, because that sum is not amended. The bill is amended. If the gentleman's amendment be agreed

to, no clerk on earth would know what it meant or how to enroll the bill. Where would the plus-sum amount come in? I would like to ask the gentleman from Massachusetts, if both of these amendments were agreed to, where would it come in? The gentleman did not even propose to insert his proposition at the end of the amendment already agreed to. Where would the amount come in?

Mr. GARDNER. After the figures "\$2,650,000," as amended, wherever they were found.

Mr. MANN. But \$2,650,000 is not amended. That amount has been stricken out and a new sum has been inserted. Where would the gentleman's amendment come in—at the end of the amendment already agreed to or in the middle of the amendment already agreed to?

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. At the end of the figures which now replace \$2,650,000. The amendment is clear enough, and I think the engrossing clerk would be intelligent enough to know what it meant.

Mr. MANN. I think the engrossing clerk would not be intelligent enough, because the gentleman himself has now offered an amendment to the amendment already agreed to—to insert in the middle of that amendment a provision—and the gentleman can not find a rule or a ruling anywhere in any book which authorizes him to insert in the middle of an amendment already agreed to a new amendment. The citation which the gentleman gave was that having agreed to an amendment you might provide another amendment to come in at the end of that amendment, and I said when I heard the amendment read that I could not tell where it would come in. The gentleman says he proposes to insert this proposition in the middle of the other amendment. So it is precisely the same thing over again as proposing to change the amount already agreed to and make it a greater amount.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. The Chair is prepared to rule.

Mr. MONDELL. If the Chair will permit me, I am sure the Chair does not get tired listening to gentlemen, even if he does not agree with them, although some gentlemen may. I want to make one suggestion to the Chair. The Chair sustained the point of order made by the gentleman from New York [Mr. FITZGERALD], as he said, from a strictly technical viewpoint. The Chair admitted that such a holding would undoubtedly lead to embarrassment and would render it difficult for the House at times to express its will. I have no quarrel with the decision of the Chair on the strictly technical view that the Chair must have a fixed rule to follow and must not be left to exercise his judgment in every case as to whether or not a rule applies which is somewhat indefinite. Taking that strictly technical view of it, the Chair held good the point of order made by the gentleman from New York. If that be true, it seems to me the Chair must follow the same line of reasoning in further passing on this question.

If he felt that it was necessary to be technical, even though to do so would prevent the House from expressing its view in carrying out its will, certainly it is the duty of the Chair to hold technically when to do so will give the House an opportunity to express its will. There is no question but that the point of order raised by the gentleman from New York prevented the House from passing on the size of this appropriation, for that question was never clearly raised by the amendment offered by the gentleman from Louisiana. The gentleman from California attempted to raise it. The Chair held his amendment out of order on technical grounds. The gentleman from Massachusetts now offers an amendment to increase the amount of the appropriation, but it does not increase it in a way which conflicts with any rule of the House. The gentleman from Illinois [Mr. MANN] did not discuss the question at issue. He discussed the question of the form of the gentleman's amendment. No one has raised the question in regard to its form. There may be some difference of opinion as to where the amendment could be inserted, if adopted, but that is not the point at issue. The question is whether an amendment to increase this appropriation or to amend it be in order, and if the House is ever to have an opportunity to express its will on the amount of this appropriation it must be held in order, although I grant you that it is getting around, plowing around, the former ruling, just as the amendment offered by the gentleman from Louisiana [Mr. DUPRE] plowed around the ordinary rules of the House by invoking the Holman rule. He did it not with a view of affecting the amount, but with a view of changing a statute. If the House is to have an opportunity to vote on this question at all at any time it must be done in this way.

The CHAIRMAN. As the Chair pointed out before, if there be trouble here, it is the trouble of the rule and not the fault of the Chair. The Holman rule does render it more difficult to reach a particular end perchance under a situation such as has arisen now than would be the case if we had no Holman rule. But we have the Holman rule. That is a part of the rules of the House. It has as much force and vitality as any other rule of the House, and it is the duty of the Chair, whatever his private opinion may be about the Holman rule and its efficacy, to enforce that rule as much as any other. The Chair is not prepared to say that you could not get at the result in any way even with the Holman rule, but if you could not, still that is the rule, and it is the duty of the Chair to enforce the rule.

Now, the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER] is, of course, simply doing by indirection that which admittedly can not be done by direction. It is a very novel form in which to present an amendment of figures, but the Chair thinks clearly it is not in order and therefore sustains the point of order.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Suppose while the amendment of the gentleman from Louisiana [Mr. DUPRE] was pending, I had moved to amend his amendment by providing that there should be an increased appropriation, the excess amount to be spent for deporting Chinese under the law, would that have been admissible at that time or any other?

The CHAIRMAN. The Chair will suggest that he prefer not to pass upon that.

Mr. GARDNER. The Chair is not prepared—

The CHAIRMAN. That would be obiter at any rate.

Mr. RAKER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 150, line 21, after the word "labor," insert "\$260,000 and the further and additional sum and amount of."

Mr. FITZGERALD. Mr. Chairman, I make a point of order, and I ask for a ruling.

The CHAIRMAN. To what point does the gentleman offer the amendment?

Mr. FITZGERALD. It is adding \$200,000—

The CHAIRMAN. This is the same proposition, and the Chair sustains the point of order.

The Clerk read as follows:

For refund to the Toyo Kisen Kaisha (Oriental Steamship Co.) of amount overpaid to the United States for hospital treatment of two aliens in the Angel Island immigration hospital for the period from July 10 to 24, 1912, \$35.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment, on page 151, line 16, after the word "thirty-five," the following, which I offer as a new paragraph:

For an additional appropriation for the miscellaneous objects of the Department of Labor, \$260,000.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not germane at this point. We have passed the paragraph to which that appropriation would apply.

Mr. GARDNER. Mr. Chairman, I would like to be heard on the point of order. We have not passed the paragraph; I stopped the Chair as the reading was proceeding to the next paragraph.

Mr. FITZGERALD. An amendment germane to a particular paragraph must be offered at that paragraph. We have passed that point, and the gentleman is too late.

Mr. GARDNER. I ask the Chair's attention to the fact that the subdivisions on page 149 begin "Immigration station." Then comes "Immigration Service." Then comes "Naturalization Service." At the end of the provisions for the Immigration Service and before the beginning of the provision for the Naturalization Service I offered my amendment.

Mr. FITZGERALD. The paragraph to which I called the attention of the Chair contains this language:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States—

And so on.

Now, lines 10 and 11, page 150, say:

And for all other expenses authorized by said act.

Now, this is the paragraph to which any amendment for the expenses in the enforcement of the immigration laws and the expenses of the Immigration Service are germane, and it is a well-settled matter of procedure in the House that amendments that are germane to a particular part of a bill must be offered to that paragraph and can not be offered at any other

place in the bill. The amendment proposed by the gentleman is germane to the paragraph which has been passed by the committee, and not having offered his amendment at that point it is not in order at any other point.

Mr. GARDNER. Mr. Chairman, these subdivisions are perfectly clear. First comes "Immigration stations." The next subdivision reads, "Immigration Service," and at the end of "Immigration Service," if this amendment is held out of order because it does not apply to this particular paragraph, I am going to offer an amendment, as follows:

For additional appropriation, Immigration Service, \$260,000.

Now, clearly, if the committee itself in this bill includes all these items under "Immigration Service" it can not possibly be held that such an amendment is not germane to the portion of the bill to which it is offered. That is the rule.

Mr. FITZGERALD. There is no subdivision at all.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken.

Mr. MANN. While there is the heading "Immigration Service" and another heading "Naturalization Service," we passed some time ago the paragraph beginning at the bottom of page 149, which reads:

For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States.

Now, there was the paragraph which carries the expenses of the Immigration Service, less a specific appropriation in the way of a claim, but that is the only place where an amendment relating to the expenses of the Immigration Service or the enforcement of the immigration laws was in order. After that paragraph had been passed we passed a paragraph having legislation authorizing the execution of a lease. Then we passed three paragraphs to pay claims, all four of which, by the way, were subject to the point of order as being claims. Now, the gentleman offers an amendment which is germane to the paragraph under the Immigration Service, but is not germane to any one of the four paragraphs which have been passed by the committee, and the gentleman now seeks to have it come in after these paragraphs. We might just as well say because the Immigration Service is contained in this bill you can offer an amendment at any place in the bill relating to the Immigration Service. The rule is that an amendment, to make it germane to a bill, must be germane to the part of the bill to which it is offered, and the only place where the amendment is germane in this bill, or to the language to enforce the laws regulating the immigration of aliens, is here immediately following the paragraph on that subject.

Mr. GARDNER. I call the Chair's attention to the fact that the rule is that a new paragraph must be germane to that portion of the bill to which it is offered, not to any particular paragraph. Now, the mere fact—

Mr. FITZGERALD. The gentleman is mistaken.

Mr. GARDNER. If the gentleman will read the rule—

Mr. FITZGERALD. I will read the note, page 385 of the Manual:

Under the later practice, an amendment should be germane to the particular paragraph or section to which it is offered.

Mr. GARDNER. It is offered as a new paragraph.

Mr. FITZGERALD. Ah, but there is a paragraph in the bill referring to that subject matter.

The CHAIRMAN. Will the gentleman give the Chair the section rather than the page?

Mr. FITZGERALD. It is section 777. This is the bill which is considered by paragraphs. Some bills are considered by sections. Now, we have in this bill a paragraph carrying the appropriations for all of the expenses incident to enforcing the immigration laws. That paragraph has been passed by.

Mr. GARDNER. This is an additional paragraph, and the gentleman has pointed out the fact that the word "section" is to be taken as the equivalent of the word "paragraph." That is well known. And if the gentleman will read the very next section, it says:

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

Now, that is perfectly clear. It has been decided over and over again.

Mr. FITZGERALD. Some bills are considered by paragraphs and some are considered by sections. The gentleman is offering an additional paragraph, not an additional section. We are now on section 1 of the bill, composed of an innumerable number of paragraphs. Now, then, his particular amendment must be offered to the particular paragraph to which it would be germane.

Mr. GARDNER. The gentleman knows very well that is not the case. That word "section," in the ruling, has always been



construed to mean "paragraph" when the bill is being read by paragraphs.

Mr. FITZGERALD. The gentleman has not refreshed his memory on these questions for some time.

The CHAIRMAN. Under general parliamentary law, as the Chair understands it, an amendment does not necessarily have to be germane, but the rule of the House, adopted very early, perhaps at the very beginning, did provide for germaneness, and there is very good reason for it. It is in the interest of orderly procedure not only that they should be germane to the subject matter, but that the amendments proposed should be germane to that portion of the bill to which they are offered. The Chair thinks the amendment is subject to the point of order made by the gentleman from New York [Mr. FITZGERALD], and sustains the point of order.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. FITZGERALD. For what purpose?

Mr. MOORE. I wish to discuss the paragraph—the naturalization paragraph.

Mr. MANN. We have not read that yet.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Have we not reached page 152?

The CHAIRMAN. We have not.

Mr. MOORE. Then I withdraw my motion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, subject to such rules and regulations as the Secretary of Labor may prescribe; actual necessary traveling expenses of the officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications to legal papers, telephone service in offices outside of the District of Columbia; not to exceed \$3,800 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910, including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, \$250,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. What is the point of order?

Mr. MANN. He reserved it.

Mr. MOORE. Mr. Chairman, last night the distinguished Representative from North Carolina, a member of the Appropriations Committee [Mr. PAGE], made reference to the efforts of some of us to obtain appropriations for the Frankford Arsenal; and in the course of his remarks, assuming that an attack had been made upon the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], he said:

I felt it my duty, Mr. Chairman, not that I think that the gentleman from New York needs anybody to come to his defense in this House, but as a member of the Committee on Appropriations, I felt it was my duty to say that no man can truthfully charge the chairman of the Appropriations Committee with favoring items in the locality in which he lives to the exclusion of the district of any other gentleman in this House.

Whereat there was applause. Later on the gentleman from North Carolina, extolling the gentleman from New York [Mr. FITZGERALD] for abstaining from obtaining any appropriations for the locality near by which he lived, condemned in severe terms those Members of the House who undertook to obtain appropriations for any public work near the districts or within the districts represented by them, and said that during the efforts to obtain appropriations in the earlier part of the day:

It was perfectly apparent to any man who observed the procedure at that time that there was on the floor of the House a cohesion of gentlemen for the purpose of public plunder.

Now, the term "public plunder" might be regarded as a very offensive term, and might, as applied to individual Members of the House, be accepted as a fair subject for a personal explanation. If the gentleman from North Carolina had indicated that Members of the House evidenced a cohesiveness here with a view to private plunder, of course, it would have called immediately for a personal explanation. But the term "public plunder" as used by the gentleman from North Carolina, in the sense that he applied it, may also be interpreted, in a sense, as complimentary. Representatives who in their public capacity here undertake to get what is coming to be known as "pub-

lic plunder"—that is to say, the securing of appropriations for public works for the districts in which they live, as well as for the general welfare of the country—are not generally to be despised.

Now, I have a very great deal of pride in my acquaintance with the gentleman from North Carolina, and I know his public spirit, and I know how he would gladly say a good word for the chairman of the Appropriations Committee if it were necessary. We have evidence of it in the statement made by him last night, when he rose, without suggestion from the chairman, to make his very able defense of him as one Member of this House who would not use his official position to obtain unduly an appropriation for the community in which he lived. Now, it happens that in the bill which we have before us, and in this particular paragraph relating to the naturalization service, tucked away most delightfully on lines 14, 15, and 16, on page 152, close to the bottom of the page, where the ordinary reader might not see it, is this paragraph:

Including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915.

Here is a case in point. I absolve the gentleman from New York [Mr. FITZGERALD], the chairman of this committee, in deference to the statement of the gentleman from North Carolina [Mr. PAGE], from any personal interest in this paragraph at all. I do not believe the gentleman from New York had anything whatever to do with the inclusion of it in this paragraph relating to the naturalization service. I suspect he knew absolutely nothing about it, because no department chief came before the committee to urge its admission. No Secretary from the President's Cabinet appeared before the committee to ask that allowance should be made in this paragraph for the clerk of the Supreme Court for Bronx County, N. Y., for clerical assistance, even though it be something not conceded to any other clerk of any other supreme court. I assume, therefore, that this provision was put in this bill without the knowledge of the gentleman from New York [Mr. FITZGERALD]. It is subject to a point of order as new legislation, but I shall not make the point. I merely bring the matter to the attention of the committee with the view of showing how it is possible on the great Appropriations Committee for these little items to slip in without the knowledge of the chairman. It may be that his next friend and colleague, the gentleman from North Carolina [Mr. PAGE], may have had some knowledge of the manner in which the supreme court clerk of Bronx County, N. Y., was thus provided for, but not the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, there is nothing in this bill that was put in there without my knowledge. If I found anything in there that I did not know anything about, there would be trouble when we reached it. Under the law this appropriation is to make an allowance to certain State courts to enable them to obtain clerical assistance in naturalization work.

The city of New York is divided into boroughs. Four of the boroughs are coterminous with the counties. The Borough of Brooklyn is coterminous with the county of Kings. The Borough of Richmond is identical with the county of Richmond. The Borough of Queens is identical with the county of Queens. The Borough of Manhattan was formerly coterminous with the county of New York. The Borough of Manhattan and the Borough of The Bronx were included within the county of New York. By legislation the county of New York was subdivided so that the county of New York should consist of the territory within the Borough of Manhattan, and a new county was erected, designated as the county of the Bronx and consisting of the territory within the Borough of The Bronx. It has a population of 600,000.

Under the law the county clerk is the clerk of the supreme court within the county. The allowance for assistants for these naturalization purposes made to the clerk of the county of New York—the supreme court sitting in the county of the Bronx—is independent of that for the office force in New York, and after this year under the existing law it will be possible to make an allowance.

Now, the county of the Bronx was erected and came into existence on the 1st of January. They are collecting fees for naturalizations in the supreme court in Bronx County at the rate of from \$12,000 to \$14,000 a year. If an entire year has passed during which this had been done, the department could make an allowance of one-half of the collections in excess of \$6,000, which would amount to one-half of from \$6,000 to \$8,000. But the county will have been in existence only six months by the 1st of July, and the collections up to that time are estimated to be \$6,800. The department has authority to allow one-half



of \$800, or \$400, which means that it can make practically no allowance for clerical assistance.

The purpose of this amendment was to permit the department during this fiscal year to make an allowance which would be equivalent to one-half of the estimated receipts above \$6,000 a year, and after that it will come under the general law.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MOORE. I think I understand the situation. The gentleman's explanation is perfectly satisfactory to me. I know the growth of business in that district. But I should like to ask the gentleman whether Philadelphia, being coterminous with some other community, just as he says Bronx County is, and the same argument applying, desired to have this same provision made with reference to the Supreme Court in our section; we would have to get a secretary of a department to come before the Committee on Appropriations; or could we have it done merely by going to the chairman and having him do it in this way?

Mr. FITZGERALD. Under the law the gentleman could have it done if he were sufficiently active.

Mr. MOORE. It may be possible that we shall have to have that done.

Mr. FITZGERALD. While, as a matter of fact, it is only about 6 miles from where I live to the county of Bronx, yet there are about 14 Members of Congress with districts between my residence and that county, so that the gentleman can see that this is not vital to me or particularly affects me or my district.

Mr. MOORE. I wish the gentleman to know that that same congestion of naturalization business exists in my State and the same question with regard to the compensation of clerks may arise.

Mr. FITZGERALD. The department has authority to allow the clerk of the court in Philadelphia which has jurisdiction of naturalization cases an amount for clerk hire equal to one-half of the receipts in excess of \$6,000.

Mr. MOORE. Is this provision for extra compensation over and above that one-half now authorized by law?

Mr. FITZGERALD. The county has been in existence for only six months. There is no yearly basis on which it can be computed at this time.

Mr. STAFFORD. Mr. Chairman, in reserving the point of order I do not wish to be considered as being a party to the contest or the rivalry between the distinguished gentleman from Pennsylvania [Mr. MOORE] and the distinguished gentleman from New York [Mr. FITZGERALD]. I reserved the point of order to that part of the paragraph which the gentleman from New York has just explained. I understand that it is an emergency provision, and that it will not be continued in the next appropriation bill; that it is merely to tide over existing conditions, because the court has not continued more than a few months.

Now, responding to the suggestion of my friend from Philadelphia [Mr. MOORE], I would say to him, Mr. Chairman, that I consider the courts at Philadelphia very derelict. Unlike the State courts in most other parts of the country, they absolutely refuse to undertake this work of naturalization.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MOORE. The common pleas courts have refused to do that work, and for a very good reason: The Federal courts were there to do it; and the Federal courts have been doing it to the best of their ability. But the illness and death of a judge and the delay in appointing his successor caused a very great congestion of business.

The gentleman asked me this question before. I believe the common pleas judges of Philadelphia are now considering whether they shall not take up this naturalization business, and I shall certainly help them to do it if possible.

Mr. STAFFORD. In view of the exigencies of the approaching election, does not the gentleman believe it is a public duty on the part of the judges of the courts of common pleas to attempt to relieve the great number of aliens seeking naturalization and awaiting the final disposition of their petitions?

Mr. MOORE. I will answer the gentleman by saying this: I know of certain civil causes which have been pending over there for a long time in which the litigants have been waiting for a decision. They deserve to have their causes decided, and it may be that if this naturalization business were taken over into the business of the common pleas courts it would further delay that business. The litigants in the civil courts are entitled to have their cases adjudicated.

Mr. MANN rose.

Mr. STAFFORD. I yield to the gentleman from Illinois.

Mr. MANN. Under the law and practice is it not true that it is just as much the duty of the State courts to naturalize as it is the duty of the Federal courts?

Mr. STAFFORD. It has always been considered the province of the State courts to do this work, and before we passed this naturalization law the work was done almost exclusively, so far as my State is concerned, in the State courts. In my city to-day more of that work is being done in the State courts than in the Federal courts.

Mr. MANN. Does the gentleman know any other large city in the country where the local courts are so selfish that they will not perform this necessary service to the people?

Mr. STAFFORD. Unless it might be in some other burg in Pennsylvania. Perhaps Pittsburgh may adopt a like policy, but I can not say whether it does or not.

Mr. MOORE. Does the gentleman from Wisconsin know any city in the Union where the naturalization of aliens is so much encouraged as in the city of Chicago?

Mr. STAFFORD. I know that no city in the country has been doing more work in the way of naturalization, as was disclosed in the consideration of the codification bill, than in the State courts in the city of Chicago.

Mr. MANN. Except in the city of New York, which is the largest city in the country. Chicago is the next. Philadelphia at one time was the rival of Chicago, but we have forgotten it.

Mr. STAFFORD. I am speaking of naturalization work performed in the State courts.

Mr. BRYAN. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

The Clerk read as follows:

#### PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Copyright and patent branch office, Panama-Pacific International Exposition: To defray all the expenses connected with the establishment, equipment, and maintenance (including necessary printing) of the branch office at San Francisco, Cal., provided for in section 2 of the act approved September 18, 1913 (Public No. 14), \$30,000, of which sum \$15,000, or so much thereof as may be necessary, shall be expended under the direction of the Commissioner of Patents, and \$15,000, or so much thereof as may be necessary, shall be expended under the direction of the Register of Copyrights, each of whom is authorized to pay to the Public Printer the cost of any portion of such printing and binding required for the said branch office which may be ordered by him from the Government Printing Office; to designate from among the employees of the Patent Office and Copyright Office, respectively, such employees as may be actually necessary for the service of the respective divisions of the said branch office, one of the employees so designated from each of said bureaus to act as his disbursing officer; and to select and employ from time to time at San Francisco such additional persons as the exigencies of the work there may require. All persons from the Patent Office and Copyright Office thus designated for service at San Francisco shall receive no compensation other than their regular salaries, but while absent from Washington, D. C., and engaged upon the business of the aforesaid branch office shall be allowed their actual and necessary traveling expenses, together with a per diem allowance in lieu of the cost of subsistence to be fixed by the commissioner or register designating such persons, not to exceed \$3 per day.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 153, in line 5, strike out the words "Commissioner of Patents" and insert the words "Secretary of the Interior."

In line 7, strike out the words "Register of Copyrights" and insert the words "Librarian of Congress."

On page 154, in lines 1 and 2, strike out the words "Commissioner or Register" and insert the words "Secretary of the Interior or Librarian of Congress."

The CHAIRMAN. If there be no objection, the vote will be taken on all these amendments at once.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, horses, wagons, harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding \$500; adding and numbering machines, time stamps, and other machines of similar character;



machinery (not exceeding \$100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, \$4,463,820.

Mr. HOWARD. Mr. Chairman, I offer an amendment, on page 157, line 16, after the word "care," to insert the words "for the carriage of printing and printing supplies only."

Mr. FITZGERALD. Let the amendment be reported.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOWARD:

Page 157, line 16, amend by inserting, after the word "care," the words "for the carriage of printing and printing supplies only."

Mr. HOWARD. Mr. Chairman, I think this amendment reaches an evil that is being practiced by certain subordinate officials in Washington that ought to be stopped, and that evil is this: I understand that the present Public Printer has at his disposal two magnificent \$4,000 electric passenger coupés. One of them is a brand new one, and the other, I think, was handed down to him by the former Public Printer, Mr. Donnelly.

In a former Congress I had occasion to say something about this abuse under the former administration. Lo and behold, it develops that under this administration the Public Printer, not a member of the Cabinet, not having the high official position that members of the Cabinet have, instead of having one magnificent electric vehicle to carry him around he has two; and how he can ride in both of them at the same time I do not know. It is an abuse that the people of the country, my constituents and your constituents, ought not to be made to pay for. He is nothing in the world but the head of a printing establishment; and this Public Printer has no more right to a passenger vehicle to carry him around at Government expense than the Clerk of this House or any other official.

Mr. MONDELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MONDELL. How did the Public Printer come to get this second \$4,000 electric automobile, and out of what appropriation was it paid for?

Mr. HOWARD. The Lord only knows how the Public Printer got it. I should like to know how they all get them; but they do get them, and it is a diversion of the funds from some source or other, as I know there is no direct appropriation made for them. One of the most flagrant and palpable abuses of this privilege is in the War Department; and when I had occasion to say something about it before the Committee on Military Affairs, and it got out here and it was in the RECORD that we knew how flagrantly they were abusing this privilege, whereas they used to have the letters "Q. M. D." on these depot wagons, since this agitation has taken place they have put a little black paint over the red letters "Q. M. D." on these magnificent depot wagons, and now you can no longer identify them.

Now, why has the Public Printer two magnificent electric vehicles for his private convenience at the public expense? Talk about official convenience. He can go anywhere he wants to go or has any business on a street car, and I think the time has arrived when if the Speaker of this House thinks this practice is such an abuse that he refuses to use an automobile other public officials ought not. The Speaker of this House does not use an automobile, although he has a right to do it and there was one handed down to him from Speaker Cannon—he has never used it, and he never will, because he believes, as I believe, that it is not right to use the people's money for such purposes.

Mr. MANN. He has a right to do it, but he has not the automobile.

Mr. HOWARD. That is true. He has not the automobile; but he could have had it and used it, because there was one left him, as I have stated.

Mr. MANN. The gentleman from Georgia and I have a right to ride in automobiles.

Mr. HOWARD. Yes, that is true; but we have not a right to do it at the public expense. Now, I know a little something about electric vehicles, and I know something about what they cost; and I have seen one of these vehicles going around with this gentleman, not on official business, but on purely private and pleasant affairs, and it is unwarranted and it ought to be stopped; and I hope that the gentlemen present will vote for this amendment, so that we can stop the abuse of this privilege. These officials have these vehicles, and they are riding around in them when they have no authority in the world to do it and it is not fair to my constituents or your constituents. Now, what

has made the Public Printer so great, the head of the Government Printing Office, that he has got to have two \$4,000 automobiles at his beck and call day and night, and two great big buck chauffeurs at his command day and night? I think it is time to stop it. I think it is time to use emphatic language in describing these abuses as they exist. I know this abuse exists, because I have seen it with my own eyes. He has got the coat of arms of the Government Printing Office on these automobiles as big as a soda biscuit, a great big coat of arms of the Government Printing Office on the doors in magnificent colors.

I think the gentleman from New York [Mr. FITZGERALD] will agree with me that this privilege is being abused in this city by officials, not only the higher officials but the little fellows as well. Why, even the veterinary surgeons will be getting to the point where they will want \$4,000 or \$5,000 automobiles to go out here to see a sick cow at the Soldiers' Home. They have all got to ride. The Cabinet officers, the generals, the captains, the lieutenants, the chiefs of divisions, and all; but, Mr. Chairman, the people who pay for all this show and extravagance have to walk. If you were to kill off all Washington by automobiles, 50 per cent would probably be killed by Government officials driving cars paid for with the people's money.

Now, Mr. Chairman, I have no more criticism for the Public Printer than for any other official. I am simply consistent. I fought this extravagance under the Republican administration, and it is just as reprehensible and subject to criticism under a Democratic administration. I shall continue to pursue this sort of foolish waste of the people's money so long as I remain here, and I hope that a Democratic Congress will have the courage to put a stop to it in every department of the Government.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. There are two electric vehicles for this office. There was one prior to the advent of the present Public Printer, and he has purchased a new machine, the list price of which is \$4,000, but it was bought for \$2,800, because the owner died shortly after buying it.

These machines are used for a number of purposes. One of them is to carry a sum of between \$75,000 and \$100,000 from the Treasury Department to the Printing Office to meet the weekly pay roll. These machines are used by a number of employees in connection with the distribution and collection of manuscripts. Whether there is any abuse in connection with the use of them I am not prepared to say. There is pending in the legislative appropriation bill a provision which it is hoped will very largely eliminate the abuse which has resulted from the use of automobiles in the Government service. It has not yet been perfected. It was put on the legislative bill in the Senate. It has not been agreed to because they are at work attempting to perfect it so that it will effectively do its work.

If the amendment of the gentleman from Georgia is adopted, it is difficult to say what its effect will be. I know that they have 4,000 employees there, and it is a serious question to handle the currency from the Treasury Department for the Printing Office on the weekly pay roll.

Mr. HOWARD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOWARD. That is done four times a month. The taxicab fare, if the disbursing agent would take the trip by cab, would be \$1.30. If he has to bring it in an automobile, why could he not hire a cab?

Mr. FITZGERALD. Under the law they are entitled to utilize horses and carriages for strictly official purposes. All the horse-drawn vehicles were dropped from the Government Printing Office service because they had a place where they could put in electrically operated vehicles and charge and store them at a cost insignificant compared to the cost of maintaining horses. I do not know whether there is any abuse connected with the use of these automobiles or not.

Mr. HOWARD. Does the gentleman think, as the economist that he is and guardian of the Treasury as he is shown to be, that there is any justification on the face of the earth for the Public Printer to have two \$4,000 electric automobiles at his disposal? Does not the gentleman think he is stretching it powerfully when he gets two? Does not the gentleman think he ought to be modest about it?

Mr. FITZGERALD. My own opinion has been that there is no necessity for two passenger motor vehicles for the Public Printing Office.

Mr. FOSTER. Let me ask the gentleman from New York. The Government Printing Office is a machine shop, where there is a great deal of machinery. They have two physicians regularly employed in that office, and there are a great many casualties which occur there in the course of the year, and

quite a number are taken to the dispensary or to their homes or to a hospital. If they did not have some vehicle to transport them, it would be necessary to hire vehicles outside.

Mr. HOWARD. If the gentleman will yield, I venture the assertion that the new machine they have got is never used for that purpose. In the first place, it is not a rapid machine; it is an electrical machine. It is not a machine that you could put a cot into or anything of that kind. It is a coupé, with the most magnificent trimmings and trappings of any car in Washington except one, and that belongs to the Russian Legation.

Mr. FITZGERALD. As far as the trimmings and trappings are concerned, the car described by the gentleman was bought from an estate at a large discount, because of the sudden decease of the person who had purchased it. I think the character of the car is not a proper subject for criticism.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Under the law, if the Public Printer or any of his subordinates ride in a street car or in a taxicab, that can not be charged up against the Government or the District of Columbia. Am I right?

Mr. FITZGERALD. I think they can. I think those are legitimate disbursements.

Mr. MANN. My opinion is that officials in the District may not employ vehicles for hire and charge it to the Government. Hence, we buy them where we need to use them, even if only once a month, when we might get a taxicab for \$2. It is cheaper for the individual but not for the Government; but we buy the automobile and employ the chauffeur.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from New York a question. Out of what fund has the Public Printer paid for this automobile?

Mr. FITZGERALD. Out of this appropriation; and it was approved by the Joint Committee on Printing of the two Houses which supervised it.

Mr. HAWLEY. When the appropriation was made there was no intention on the part of the committee that an automobile for the Public Printer should be purchased out of it.

Mr. FITZGERALD. No; they have a number of automobiles; they have several trucks. They have more motor vehicles than any other branch of the public service in Washington.

Mr. HAWLEY. The gentleman does not answer my question. I say it was not intended by the Committee on Appropriations, when they made the appropriation out of which this automobile was paid for, that any part of it should be used for such a purpose.

Mr. FITZGERALD. I can not say that myself.

Mr. HAWLEY. The gentleman would know if such was the intention.

Mr. FITZGERALD. My information is that automobiles have been purchased as the result of a decision that was made. The Committee on Appropriations in providing appropriations did not intend that they should be automobiles for official passengers, except where there was such specific and unquestioned language. In the Government Printing Office there was one. They had several teams of horses and wagons.

The Public Printer, I understand, with the approval of the Committee on Printing, sold these driving horses and carriages and purchased this Rauch-Lang car for \$2,800, because as they generate their own electrical power at the Printing Office and have the space to store the car, and also have a number of electric trucks, he deemed it more economical to buy that car and keep it in that way than to maintain the horses and carriages.

Mr. HAWLEY. The gentleman knows, and he has so contended for many years, that the control of the expenditure of funds should be in the hands of Congress, and the approval of those expenditures should be made by Congress. I would like to ask the gentleman further if when this appropriation was made out of which this automobile was paid for and the matter was pending before his committee any departmental chief told the gentleman or his committee that part of the money was to be used for the purchase of this automobile?

Mr. FITZGERALD. Mr. Chairman, I do not remember. There was a different man at the head of the Public Printing Office when the appropriation was investigated and when the purchase was made, so that you could not hold one official responsible for the failure of another to call attention to it.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee—and particularly the attention of the gentleman from Georgia [Mr. Howard] to this paragraph which has been inserted in the legislative appropriation bill in the

Senate, and which will be enacted into law in some form. It is intended to eliminate the abuses in connection with the use of motor vehicles in the Government service. That provision is as follows:

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sum required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

This is a provision which it is believed, with perhaps some modifications, will so regulate these matters as to eliminate the abuses.

Mr. HOWARD. That provision has in it the language "or any other act." I do not see how they can extend it to any other act.

Mr. FITZGERALD. Oh, yes; we can do that. That is why it was put in, so as to apply not only to the appropriations carried in the legislative bill, out of which the heads of the departments are reached, but also to appropriations made in any other bill. For instance, there is one bill reported by a committee, for field service, and an automobile has been purchased out of that, and is being used by the head of a department in this city, and that is an abuse. I think the gentleman and myself are in thorough accord in respect to the matter.

Mr. HOWARD. I want to say to my good friend that I will be perfectly willing to withdraw my amendment or anything of that sort affecting this abuse; but I am as confident as that I am living that that provision which he has just read will never be agreed to, and that some sort of a loophole will be left by which these men can continue this abuse.

Mr. FITZGERALD. The gentleman understands that this is not a provision that was put in by the House?

Mr. HOWARD. It was put in by the Senate?

Mr. FITZGERALD. Yes; and is now being examined by the gentleman from South Carolina [Mr. Johnson] and the gentleman from Tennessee [Mr. Byrns], so that they may be sure that it is so worded that it will not have a loophole in it. This amendment will be adopted in some form, without any question, because we are very glad of this opportunity to adopt it.

Mr. HOWARD. Mr. Chairman, the gentleman from New York I know is heartily in favor of that provision, and as a forerunner of this great reform that ought to have been inaugurated years ago I hope that, in view of the fact that this particular officer, the head of the printing office, has been so immodest as to get two of these \$4,000 automobiles, he will accept this amendment striking at him as an indication of what is going to come later for these other men who are guilty of these abuses. I ask unanimous consent to so modify my amendment that it will come in after the word "vehicle," in line 15, in place of after the word "cars," in line 16.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I have no doubt but that the gentleman from New York [Mr. Fitzgerald] is perfectly sincere in trying to legislate so as to prevent abuses; but it looks to me that providing for a \$4,000 automobile for the Public Printer is in itself an abuse and misuse of public funds. I do not see any need of encouraging any such useless and unnecessary extravagance. I am absolutely surprised to hear it put forth as an argument in favor of an automobile for the Public Printer that they have to carry money out there to pay off the employees once a week, and need a \$4,000 automobile to carry it in; just as if the employees would strike if they did not have their pay brought to them in a \$4,000 automobile. My opinion is that they will accept their money in any way they can get it. What did they do before they had automobiles in order to pay off the employees? What do you gentlemen do? How is the money brought to the office of the Sergeant at Arms by which the Members of the House are paid? I do not think any of you would resign your seats if you had to accept money that was brought here in something besides an electrically driven machine.

The very fact of authorizing such an instrumentality is an abuse in itself, and I think that the Democratic simplicity that we talk so much about ought to be put in practice. You might



just as well get an automobile to carry Members backward and forward from the departments to this Capitol, where they are compelled to go, as to give an automobile to the Public Printer to go where he is compelled to go. We would not vote for such a thing for ourselves, and why should we vote for it for subordinate officials in the executive departments? Why is it incumbent upon us to carry the head of a bureau from his home to his office, when we have to walk or ride on a street car and pay our own expenses? Now, I do certainly think when we refuse to appropriate for an automobile for the Speaker of the House, and he heartily approved our course, and yet it seems we are quite content to authorize one or two for a chief of a bureau—I am seriously contending that such an authorization is an abuse within itself, even though it is used only for official purposes, and I hope that the amendment will be adopted, and that never again will we provide these high-power expensive machines, which tend to encourage these gentlemen to think that because they are favored by legislation that they are a preferred class of public servants. I hope, in the interest of Democratic simplicity, we will vote to strike this item from the bill.

Mr. MONDELL. Mr. Chairman, I am very much surprised the gentleman from Georgia and the gentleman from Tennessee should make such a vicious attack upon the chief headman of the Democratic Party. These gentlemen certainly can not realize the good work this official has done for the Democratic Party—

Mr. HOWARD. I thought the gentleman said "herdsman"; I beg the gentleman's pardon.

Mr. MONDELL. Well, that would apply also. The gentlemen evidently have not heard of the splendid service this gentleman has rendered to the Democratic Party down here in the Printing Office. But before I refer to that I want to talk about this matter of automobiles for a moment.

Mr. COOPER. Two of them.

Mr. MONDELL. There are two electric automobiles. There was an electric when the present Public Printer came into the office which he calls an electric cab. It was old and somewhat out of date, and the Public Printer is not a cheap guy; he is no pikar, and he bought one of the best electric cars that could be found on the market. It is a \$4,000 machine, but the Public Printer got it at a bargain; he paid \$2,800 for it.

But, mark you, this Public Printer is an official mindful of the law, and in that he differs from some other public officials who buy automobiles. He bought this automobile, after consulting people high in authority in the administration, out of an appropriation for "electric appliances." [Laughter on the Republican side.] And is not an electric automobile an electric appliance, even though it is likely to be used partly for private purposes? Now, there is another way in which the Public Printer differs from some other public officials. The Public Printer is an honest man, and I do not think that he would deny that this is, to a certain extent, a vehicle used for private and family purposes. It is a swell rig, and the gentleman from Georgia knows, as he says he has seen it recently. It is beautiful, and it is beautifully kept at public expense. I am of the opinion, however, that the Public Printer does have quite a bit of use for an automobile for official business. If we are to deprive officials of automobiles, we should begin with some official having less real official need of a machine than the Public Printer. This Public Printer is a good official, and in addition to being a good official he is a good Democrat. The gentleman from Tennessee [Mr. SIMS] talks about Democratic simplicity. The Public Printer is a Democrat, but he is not so simple as some people might imagine. He was interrogated by members of the committee as to the manner of making promotions down in the Government Printing Office, and he said in reply to a question propounded by the gentleman from Massachusetts [Mr. GILLET] as to what his method was—

Why, if a vacancy exists, the preference would be given to a Democrat if he were equally competent.

Mr. GILLET. In saying that, did you understand that you were representing the administration?

Mr. FORD. No, sir; I was representing the Public Printer.

Mr. GILLET. And that was your personal view?

And Mr. Ford answered—

Yes, sir.

Mr. GILLET. You think that is obedient to the civil-service law, do you?

Mr. FORD. I think so, because the Civil Service Commission does not recognize Republicans or Democrats, and neither do I, but I have a sort of preference for the Democrat if he can fill the bill and there is a vacancy existing. If there is no vacancy, then, of course, it is all off.

Of course, it is a matter of judgment with the Public Printer as to whether two or more candidates are equally competent, and with his views, as expressed with regard to his preference for Democrats, it is fairly possible, honest man as is the Public

Printer, that a Democrat always gets the benefit of the doubt, and I am surprised at my friend from Georgia, good Democrat as he is, believing in the faithful securing all the jobs, should pick out this one man who has been conspicuous in this respect and complain of him.

Mr. QUIN and Mr. FOWLER rose.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. Mr. Chairman, I noticed what the distinguished gentleman from Wyoming [Mr. MONDELL] had to say about the Democracy of the Public Printer. I am glad we have a Democrat in that office. I am a plain, simple Democrat. I believe the party that is in power ought to hold what jobs there are. I know if I were a Republican and the administration were Republican, I should want to kick the Democrats out, and if I had my way about it there would be a lot of Republicans packing their baggage and getting out of these departments around here. In fact, every postmaster of the United States would be a Democrat. But I do not happen to have my way.

This Public Printer is a Democrat, and a good one. He is a good man, a straight man, and an honest official, who is running that department in a nice way, but I am against this automobile business. I think it is time for this Congress to stop all this tomfoolery of our public officials riding around in great, big automobiles, at the expense of the taxpayers. In fact, sometimes I think you would have two-thousand-dollar men riding in four-thousand-dollar automobiles. The people of this country have to pay the taxes, and if we propose to set the example of extravagance by permitting the officials here to ride at the Government expense in these extravagant automobiles, you will be setting an example that will come up like Banquo's ghost to haunt us.

It is true that a few thousand dollars for this official and that official do not amount to much, but by the time you aggregate it all it will run up into the hundreds of thousands of dollars. There is where the trouble is; and this talk about it being necessary to transfer a little pay roll over here is worse than tomfoolishness. The idea of a few employees of this Government having to have money carried to them in an automobile! I am glad to walk in order to get mine. I think the people of my district are glad to walk up to the desk and get their money. What business have we got to have two automobiles for a public official to transport a little money over to certain employees? I think it is a reflection on the Democracy; and, as one Democrat, I will vote to take the automobiles away from all of them. The Congressmen do not have automobiles furnished to them by the Government, and they ought not to ever want such things at the expense of the people. You pay a street car fare to get to the departments, and when you get there you have to wait an hour sometimes to see anybody. Since I am a Democrat, I want to see men in these positions bearing the manners and methods of Democrats. I want to see the Democrat in Congress, the democrat in nature, the democrat in life, exercise all the functions of his office in a democratic manner. That is the type of Democrat, if the gentleman from Wyoming [Mr. MONDELL] will yield to me, that I want to see in office. And I love to see that type of Republican and Bull Mooser in office; and if your party, sir, ever comes back into power again, I hope that you will have good Republicans who will run their departments economically, wherever they may be. I consider it, when we let these two battleships we sold here yesterday, one of them bearing the name of my own State, the grand old State of Mississippi, go to a foreign Government, perhaps at 30 per cent of their value, as a serious reflection on the economy of this House. It was a scheme to sell these two battleships and put the money into a big dreadnaught and give the Armor Plate Trust some more money out of the pockets of the people of this country. That is what the scheme is. I am afraid that a great many men who voted for it voted for it on sentiment instead of knowing the real issue that is involved. You talk around here about the need for a big Navy, and yet you sell two of your battleships; and a lot of men fell into the trap and let the trusts proceed to plunder the toiling masses of America out of \$51,000,000.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the amendment now pending; that is, to strike out the last two words.

Mr. Chairman, as a Democrat, I can not see any use for an automobile for a Democrat. Now, a Republican may see some use for an automobile for a Republican, but the Republican agrees with me that he can see no reason for an automobile for a Democrat. That far we go together as brothers. The only

thing I desire to see is the Republicans get far enough along to see no use for an automobile for a Republican. Now, I do not know just what kind of fiber our Public Printer is made of. It is said he is made of good Democratic fiber. If he is, he stands with me against extravagance and against the purchase of an automobile with public funds. I can not see any reason for the Public Printer having an automobile any more than for the Representative of the twenty-fourth congressional district of Illinois having an automobile.

Mr. BRYAN. Two.

Mr. FOWLER. My good Bull Moose friend from Washington [Mr. BRYAN] says two. And he is a friend of mine, because he is going to vote against this allowance, and I will vote against it, and I want every Member to vote against it.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FOWLER. Just for a simple question.

Mr. BURKE of South Dakota. Has not the gentleman been here long enough so that he knows that if this item is stricken out of the bill now it will be in the bill when it becomes a law? Does not the gentleman know that?

Mr. FOWLER. I have been a student of that character of legislation for some time, and I am surprised that in America we sometimes have legislation that has not been enacted by a majority of Congress, but put in the bills while in the hands of the conference committee, a committee which had its origin in the necessity of the occasion undoubtedly, but, in my opinion, which has sadly abused the privileges that were originally conferred upon it.

Now, Mr. Chairman, I understand that this good Public Printer has been rendering most valuable services to his country, but I understand also he has been rendering good services to himself and his family by using that magnificent electrical automobile to carry himself, his family, and friends and others to the ball games—a place where no man has a right to go during the hours his Government has a claim upon him for service and duty.

Mr. MANN. Will my colleague yield for a question?

Mr. FOWLER. Yes; for a short, civil question.

Mr. MANN. Does the gentleman know what kind of automobiles these are? Are they Ford machines?

Mr. FOWLER. Oh, no. I understand that the Ford machine is made for common people.

Mr. MANN. I understood that the Public Printer had a number of Ford machines. [Laughter.]

Mr. FOWLER. Oh, yes; that may be. But the machine we are discussing is the cream of machines.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. HOWARD].

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in two minutes.

Mr. MANN. Oh, if the gentleman is going to stay here, we have already had time enough wasted.

Mr. JOHNSON of South Carolina rose.

Mr. FITZGERALD. I am not trying to foreclose anybody, but—

Mr. MANN. If the gentleman is going to stay here to-night, I think we have wasted enough time in talk like this. I am not willing to stay here all night for the purpose of hearing such talk.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that all debate close in two minutes. I wish to yield two minutes to the gentleman from South Carolina [Mr. JOHNSON].

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that all debate close in two minutes. Is there objection?

Mr. HOWARD. Mr. Chairman—

Mr. FITZGERALD. Then, Mr. Chairman, I move that all debate on the pending amendment close in two minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment close in two minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is recognized for two minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I merely want to state to the committee that section 5 of the legislative bill deals with automobiles in all the governmental departments here in Washington. I promised when the legislative bill went to conference that that amendment would be brought back so that the House could have an opportunity to discuss it, to amend it, and to vote on it. I expect to call up the conference report on the legislative bill to-morrow morning, and that will give the membership of the House an opportunity to pass such

legislation as may be desirable touching automobiles in all departments of the Government.

Mr. MANN. If we strike this out now?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

Mr. BARTON. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Smithsonian Institution: For printing and binding the annual reports of the Board of Regents, with general appendixes, \$10,000; under the Smithsonian Institution: For the annual reports of the National Museum with general appendixes, and for printing labels and blanks, and for the bulletins and proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, \$37,500; for the annual reports and bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, \$21,000; for miscellaneous printing and binding for the international exchanges, \$200; the International Catalogue of Scientific Literature, \$100; the National Zoological Park, \$200; the Astrophysical Observatory, \$200; and for the annual report of the American Historical Association, \$7,000; in all, \$76,200.

Mr. FESS rose.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The gentleman from Illinois [Mr. FOWLER] reserves a point of order on the paragraph.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last word. Does the gentleman from Illinois make the point of order or reserve it?

Mr. FOWLER. I have reserved it.

Mr. FITZGERALD. On what page?

Mr. FOWLER. On page 160.

Mr. FESS. Mr. Chairman, may I proceed?

Mr. FITZGERALD. What does the gentleman want? Is a point of order reserved?

Mr. FESS. Yes.

Mr. FITZGERALD. What is it? Who reserved it?

Mr. FOWLER. I reserved the point of order.

Mr. FITZGERALD. I would like to know what the situation is.

The CHAIRMAN. The Chair does not know what it is that the gentleman from Illinois has reserved his point of order for.

Mr. FOWLER. The gentleman from Ohio [Mr. FESS] undoubtedly rose before I did. I wanted to reserve a point of order, and at the same time I wanted to show my respect for the gentleman from Ohio, and for that purpose I was willing to yield the floor to him. The Chair recognized him, and for that reason I have not pressed my desire to be heard.

Mr. FITZGERALD. I demand the regular order, Mr. Chairman. The regular order is the disposition of the point of order. What is the point of order?

The CHAIRMAN. Will the gentleman from Illinois state for the benefit of the Chair what his point of order is?

Mr. FOWLER. Mr. Chairman, I do not desire to take the gentleman from Ohio [Mr. FESS] off the floor at all. I desired to reserve the point of order, in order that I might get some information as to whether there is a duplication in this paragraph as to certain items.

My position is—

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman speaking until the Chair has disposed of the matter. What is the point of order?

Mr. FOWLER. I do not have to answer the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves the point of order. The gentleman from Ohio [Mr. FESS] does not wish to speak to the point of order, but to the pro forma amendment of striking out the last word. The regular order is to determine whether or not the paragraph is subject to a point of order. The Chair will hear the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, in line 16 the paragraph carries an appropriation for the Astrophysical Observatory of \$200. I understand that this is for the benefit of the Smithsonian Institution. Am I correct about that? I will ask the



chairman of the committee, Is this for the aid of the Smithsonian Institute?

Mr. FITZGERALD. No. This is for the Astrophysical Observatory.

Mr. FOWLER. It is in connection with the Smithsonian? Is that true? I understand it is under the supervision of the Smithsonian Institute.

Mr. FITZGERALD. Yes.

Mr. GARDNER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. To insist on the regular order. The regular order has already been called for. The gentleman must either make his point of order or drop it. He has not made his point of order.

The CHAIRMAN. So far the gentleman has reserved his point of order. Does he make the point of order?

Mr. FOWLER. I am trying to get information.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. FOWLER. If I be required to answer, I do.

The CHAIRMAN. The gentleman from Illinois makes a point of order?

Mr. FOWLER. Yes.

The CHAIRMAN. The Chair desires the gentleman to address himself to the point of order.

Mr. GARDNER. Mr. Chairman, I ask that the gentleman tell what his point of order is, so that we can understand it.

The CHAIRMAN. The Chair has asked the gentleman to state his point of order.

Mr. FOWLER. Mr. Chairman, I will do so. The paragraph carries an appropriation for the Astrophysical Observatory. The same work that is done by the Astrophysical Observatory is done by the Weather Bureau, and an appropriation has been made therefor.

Mr. GARDNER. Mr. Chairman, I raise the point of order that the gentleman has made no point of order.

The CHAIRMAN. The Chair thinks he has.

Mr. GARDNER. I respectfully ask the Chairman what is the point of order made by the gentleman?

The CHAIRMAN. The gentleman has made a point of order against the item which is contained in lines 16 and 17, amounting to \$200.

Mr. MURDOCK. The gentleman from Illinois has not stated the ground of his point of order.

Mr. GARDNER. What point of order has the gentleman made? Why is the item out of order?

The CHAIRMAN. The Chair believes the gentleman is endeavoring to state it.

Mr. GARDNER. But he has made no point of order.

The CHAIRMAN. The Chair differs with the gentleman from Massachusetts, and the Chair will hear the gentleman from Illinois.

Mr. GARDNER. Will the Chair state for the benefit of the committee what the point of order is?

The CHAIRMAN. The gentleman from Illinois will please state his point of order, and the Chair will hear him.

Mr. FOWLER. The point of order I am making against this appropriation is that it is a double appropriation for one and the same purpose, whereas there ought not to be carried in any appropriation bill a doubling up of appropriations.

The CHAIRMAN. Is it the contention of the gentleman from Illinois that this appropriation is carried in another part of the bill?

Mr. FOWLER. Yes.

The CHAIRMAN. Does the other item precede or follow the item to which the gentleman now addresses himself?

Mr. FOWLER. I am not so sure that it is carried in this bill, Mr. Chairman; but I am sure that it has been appropriated for.

The CHAIRMAN. Is the gentleman making the point of order that this item is not authorized by law?

Mr. FOWLER. It is not authorized by law, but I was trying to get at a reason for not allowing this appropriation to be carried in this bill; and that reason is because there has already been an appropriation made, under another bureau, for the same purpose, and to make the appropriation here is to make a double appropriation, which ought not to be tolerated by Congress. The only purpose that can be served by this duplicate method of appropriation is to get more money out of the Treasury of the United States, at the whim and caprice of certain designing men, who think they know more about the heavens than the ordinary man ought to know about the earth.

The CHAIRMAN. The Chair is inclined to the opinion that the gentleman's procedure should be by a motion to strike out, rather than by a point of order.

Mr. FOWLER. While there is no authorization for this appropriation, yet I am trying to show another reason whereby it should not be carried in this bill; that is, that it is a duplicate of what has already been provided for.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FITZGERALD. This is the only place where appropriations for printing are carried for any establishment of the Government. This \$200 that these "designing men" are trying to get out of the Treasury is for certain printing for the Astrophysical Observatory, and this is the only place in any bill where appropriations are carried for printing for this institution. The gentleman is mistaken. It is for printing. There is no other item, no other manner, and no other place where money is carried for printing of reports in detail as to the results of the observations.

Mr. FOWLER. Mr. Chairman, there is a lump sum carried for this same purpose in two other appropriation bills. One is for the Smithsonian Institute, a lump sum, and the other is for the Weather Bureau, another lump sum.

The CHAIRMAN. The Chair is of the opinion that the point of order that it is a duplicate appropriation is insufficient.

Mr. FOWLER. Mr. Chairman, there is no authorization under the law, as I understand, for this item.

The CHAIRMAN. It is incumbent upon those who have charge of the bill to produce the law; but the Chair feels, without the act itself being produced, that he is sufficiently familiar with the Smithsonian Institution act to be of the opinion that this is authorized.

Mr. FOWLER. If a lump sum has been appropriated for this work in another bill, then it is not proper to keep this sum in this bill. There has been such a diversity of the use of funds under the "lump-sum" appropriations that it would take the greatest philosopher that ever lived on earth to figure out what was intended by an item in an appropriation bill under the "lump-sum" clause, and I am trying to save my Government the humiliation of such misappropriations.

The CHAIRMAN. The recollection of the Chair is that the blanket appropriation in the Smithsonian Institution act is unlimited. The Chair sympathizes with the object which the gentleman from Illinois has in view, but the Chair is of the opinion that the legal situation is as the Chair has stated it.

Mr. FOWLER. Does the Chair rule that the appropriation here provided for can not be paid out of the original lump-sum appropriation?

The CHAIRMAN. The present occupant of the chair will undertake to decide such matters as come before him in this appropriation bill and will not undertake to go back and revise the rulings on other appropriation bills.

Mr. MANN. If the Chair will permit, the fact is there is no other appropriation which carries a lump-sum appropriation of any kind for the Smithsonian Institution out of which printing is allowed. The gentleman from Illinois is proceeding under an erroneous assumption.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. FOWLER. Mr. Chairman, my colleague is always ready with information, whether it be correct or incorrect; he is familiar, by a long experience of 16 years, with the fact that a system of diverting money from the purpose for which it is appropriated, even in the purchase of automobiles without authority, has been in practice for a long time. Why he should say that I am proceeding under an erroneous idea, with such custom staring him in the face for 16 years, I am led to the mountain of doubt as to the sincerity and purpose of the gentleman in making the criticism. Mr. Chairman, I withdraw the point of order.

Mr. FESS. Mr. Chairman, I did not rise to speak upon the point of order. The appropriation for this item last year was \$74,900 and this year \$76,200. I think it is perfectly clear that this item for printing is in order, and that the other sum, referred to by the gentleman from Illinois [Mr. FOWLER], is for an entirely different purpose. What I want to call attention to is the work that the Smithsonian Institution is doing. I think it is one of the best, if not the finest, examples of what can be done in the way of research by any single institution in the United States, if not in the world. For years I have been interested in the character of work done by this organization.

I have casually looked over the work of the Smithsonian Institution within the last few years and I find that it has an official connection or affiliation with at least 60,000 people

scattered the world over. I think it has an official connection with every learned society on earth. Its work of research has reached to various parts of the world, in which it initiated investigations. I think through the Smithsonian Institution, largely, Washington has become the greatest scientific center over and beyond any other city in the world, not even excluding Berlin and Paris, both of which are noted as centers of scientific research.

I notice that through the Smithsonian Institution we have had more than 10,000 titles of original research in the time it has existed, from 1846, when, as I remember from reading history, Mr. Smithson made this great bequest. Financially it is one of the most splendid examples of the growth of a fund so bequeathed and protected, for the original gift was only \$515,000. To-day it amounts to within \$2,500 of \$1,000,000, and yet there has been no effort to add to the fund.

Besides that, through the mere matter of governmental exchange, which is practically without expense, there is property in the way of collections that would amount to more than a million dollars. I would have no way of measuring the money value of such collections as are housed there. Besides, there are buildings to house these splendid collections, which probably approach very near a million dollars. The original gift by this Englishman of a half million dollars has grown into one of the most valuable treasures in the world.

The Museum alone in the Smithsonian Institution added to its rare collection over 300,000 specimens last year. The matter handled in the way of books, pamphlets, specimens, and so forth, in the international exchanges alone amounted last year to 600,000 pounds. It seems to me that here is an expenditure of money for the work that is being done, when gauged by its national significance, that is not duplicated in any other single center of scientific activity in this country or in any other. The complete publications, including the contributions to knowledge, the miscellaneous collections, and the annual reports, constitute the best body of knowledge extant. I think largely under the influence of the Smithsonian Institution we have gathered here a group of scholars that no other center has. We need but recall Henry, Baird, Powell, Newcomb, Goode, Langley, and others to realize the stamp of investigator attracted here to the Capital by this opportunity. I think when you recall that the Weather Department, now so prominent and important, was started in the Smithsonian Institution as a mere incident of investigations in the subject of climate, that it has grown into the proportions of a magnificent governmental department, it gives us an idea of what it does. Who can fully measure the work of the Nautical Almanac Office of the Government, inaugurated by Newcomb, or who can estimate the worth of the investigations in geology conducted by Powell? The most recent work of research was that of Langley in demonstrating aerial navigation.

When we remember that splendid Fish Commission, that has attracted attention the world over, the work accomplished there being observed by the biologists of all the world—when we remember that that Fish Commission started as a mere division in the Smithsonian Institution some years ago and now has been turned over to the Government as a special department, it gives us some idea of what the Institution is doing. One of the earliest activities of the Institution was the collection of scientific books for the use of collaborators and the public. These books became useful to legislators, and the work was soon transferred to the Government and became the germ of our Library of Congress. Naturally, next to books, objects illustrating human progress are most important. Henry began the collection, which was carried on by Goode and matured in the Museum.

It seems to me that while we are interested in economy, and are justified in keeping down appropriations for needless luxuries as emphasized by the expenditures for automobiles for Government departments, and so on, all of which I am in sympathy with, yet while we talk enthusiastically and almost indignantly, as if the destiny of the Nation hung upon our denial of such accessories, we ought not to pass without notice this splendid institution of research, which comes in this bill immediately after the item for automobiles. This item is for printing the results of investigation of this group of scientific scholars. This item looks to the publication of the annual reports; the publications and bulletins of the National Museum; the publications of the Bureau of American Ethnology, one of the most valuable works of research under the Government; the publications of the Astrophysical Observatory; of the International Exchanges of the International Catalogue of Scientific Literature; of the National Zoological Park; and the publications of the American Historical Association.

Here is a piece of constructive work. I do not believe that there is any other like it in this country. Its nearest approach is the Carnegie Institution for Research. I rose to call attention to it, and to commend the committee for the recognition of the noted work that this splendid center is doing in the way of research.

You are carrying one item of \$7,000 for the American Historical Association, that was organized in 1884, and which has given an annual report ever since. To-day those reports constitute a splendid library. Among other most valuable contributions of this association of history students there are certain documents in the American Historical Association publications that are simply beyond estimate, such, for example, as the letters and writing of James K. Polk and the letters and writing of John C. Calhoun and others that would have been totally lost to the scholarship of this country and the students of United States history had it not been for an organization like the American Historical Association. Such valuable writings could not possibly be preserved any other way than by Government assistance, and I desire here and now to compliment the committee for its position in making it possible to continue this good work. [Applause.]

Mr. HAWLEY. Mr. Chairman, may I be permitted to ask the gentleman from New York a question? What is his purpose in respect to continuing the session during the evening?

Mr. FITZGERALD. We are going to try and finish the bill, and I think we can do it without any trouble.

Mr. HAWLEY. It is the intention to continue in session until late to-night?

Mr. FITZGERALD. I think we can finish the bill shortly. I hope so.

The Clerk read as follows:

For the Supreme Court of the United States, \$15,000; and the printing for the Supreme Court shall be done by the printer it may employ unless it shall otherwise order.

Mr. BRYAN. Mr. Chairman, I would like to ask the Chairman of the committee why the provision is carried that the printing for the Supreme Court shall be done by the printer that it may employ. Why is not that printing done by the Public Printer?

Mr. FITZGERALD. Mr. Chairman, for a number of years the United States Supreme Court has had a special printer who prints its decisions. The value of advance information of these decisions would be such that they have to take every precaution to prevent any leaks.

Mr. MURDOCK. Did not this provision follow some very important leaks?

Mr. FITZGERALD. Some years ago there were some leaks, and then the Chief Justice requested that this authority be given; and since that time, I understand, there has been no premature information furnished.

Mr. BRYAN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

That no more than an allotment of one-half of the sum hereby appropriated for the public printing and for the public binding shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended; and no department or Government establishment shall consume in any such period a greater percentage of its allotment than can be lawfully expended during the same period of the whole appropriation.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. Would the chairman of the committee be kind enough to tell us what is meant by the provision commencing on line 16, after the word "expended"—

And no department or Government establishment shall consume in any such period a greater percentage of its allotments than can be lawfully expended during the same period of the whole appropriation?

Mr. FITZGERALD. Mr. Chairman, the whole purpose of this paragraph has been to require the apportionment of the appropriation for printing in the various governmental services so as to prevent appropriations for printing being all used up in the first part of the fiscal year and large deficiencies created and pressure exerted for additional sums because important printing had to be done for which there was no money. This plan has been worked out, and it has been found that under its operation the departments, being compelled to make allotment of their work and distributed over the entire year, that it is one of the most corrective provisions in the prevention of waste and useless expenditure that public printing ever devised.

Mr. COX. It is new, is it not?

Mr. FOSTER. No; it is not new. It simply provides that these executive departments having charge of these appropriations must apportion them to the different periods and that no



more than the apportionment for a particular period can be used in that period.

Mr. FITZGERALD. That is all; and then if there is any unexpended balance from any one period, it may be used in the next period.

Mr. FOSTER. I withdraw the pro forma amendment.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; and

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

The message also announced that the President had approved and signed bills of the following titles:

June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

June 16, 1914:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

No money appropriated by this or any other act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established hereafter unless specifically authorized by law.

Mr. HOWARD. Mr. Chairman, I reserve the point of order against this paragraph. First, I desire to offer an amendment to it.

Mr. MANN. But the gentleman can not do both. I reserve the point of order on the paragraph.

Mr. HOWARD. I desire to offer an amendment.

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. A point of order is reserved.

Mr. HOWARD. I intended to reserve the point of order myself.

Mr. FITZGERALD. The gentleman can not do both.

Mr. HOWARD. Then I offer the amendment, as the gentleman from Illinois has reserved the point of order, if I may be permitted to do so.

The CHAIRMAN. While the point of order is pending nothing else can be done except to dispose of it.

Mr. MANN. What is the purpose of this provision?

Mr. FITZGERALD. It was ascertained that employees were detailed from the Public Printing Office to the various departments of the Government—

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. The regular order is, Is the point of order made?

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 163, after line 8, insert the following: "No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing services in any other branch of the public service of the United States unless such detail be authorized by law."

Mr. MANN. Mr. Chairman, I do not know just what effect that would have even upon Andy Smith.

Mr. FITZGERALD. He is not detailed here.

Mr. MANN. He is detailed here; that is exactly what he is. He is detailed to the Capitol; he is not in the Government Printing Office, but he is detailed to the Capitol.

Mr. FITZGERALD. He is the CONGRESSIONAL RECORD clerk, both by title and appropriation, and this does not affect him.

Mr. MANN. That is all true enough; he is CONGRESSIONAL RECORD clerk, but he is detailed to the Capitol, paid by the Government Printing Office, and I think that amendment will cut him out. He is not the only one.

Mr. FITZGERALD. He is the only one in the category.

Mr. MANN. In the beginning of the last Congress the Democratic side of the House, in a moment of hysterical reform, cut off a number of employees who they said were useless; among them was the printing clerk. Ever since that time we have had, or shortly after that time, we have had a man detailed from the Government Printing Office to do work in part that the printing clerk used to do. I do not know just how we would get along; I suppose it is possible you might get the Democratic side to reverse its action; but it would be with great chagrin on their part if they had to do it. You can not run the House without somebody who has charge of the printing. That is not all. I only give these illustrations because I am familiar with this; I do not know how many others there are in the Government service. Usually at the close of a session of Congress the Committee on Accounts brings in a resolution providing for the employment of additional clerks by the chairman of the Committee on Enrolled Bills, and we allow them, on the supposition that those clerks when employed temporarily are the ones who really make comparisons of enrolled bills; but what they do in fact is usually to employ somebody who does not know proofreading or an enrolled bill from an original copy; and the Public Printing Office details some men, who come up here and read the proof of the enrolled bills so that they may be correctly enrolled. Now, this amendment prohibits all that. In the last Congress there did slip through and was presented to the Speaker, to be signed as enrolled, the public-buildings bill, although it never passed. There were 100 Senate amendments never agreed to by this body. Now, what will happen when it comes to enrolling the sundry civil bill and the legislative bill and various other appropriation bills in the next few days before the 1st of July with nobody permitted to read proof who knows how. Why, what is the purpose of cutting off the right—

Mr. FITZGERALD. These people read proof where they are employed, and—

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. FITZGERALD. The purpose is to cut off the detail of employees as was disclosed in the departments where they should not be.

Mr. MANN. Well, that is all right; I do not know as to that practice or not, but I know what the effect of this will be. The Public Printing Office people read the proof and make a comparison with the original copy and engrossed bill and conference reports and Senate amendments.

Mr. FITZGERALD. We provide by legislation every year for additional clerks for the Committee on Enrolled Bills.

Mr. MANN. I have said that; but they are not the ones who read the proof and make the comparisons.

Mr. FITZGERALD. Well, they should do it; and if that practice were broken up this money would have to be paid to the people who do the work and not to the men who do nothing.

Mr. MANN. The gentleman again is somewhat in error. We have a very excellent engrossing and enrolling clerk under the present administration of the House.

Mr. FITZGERALD. I am not criticizing him.

Mr. MANN. But, after all, there is a limit to what one or two men can do. Proof is supposed to be read by the Committee on Enrolled Bills, and the same comparison is supposed to be made by the clerk in charge of enrolled bills. But they have to have a detail sometimes from the Printing Office. The gentleman's amendment would prohibit that, and I do not think they ought to do it.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. HOWARD. I read the hearings on this particular item, and is it not a fact that all of these men that are detailed at these departments are paid out of the fund of that department?

Mr. FITZGERALD. Mr. Chairman, I would like the attention of the gentleman from Illinois [Mr. MANN]. It would obviate the objection of the gentleman if we would modify the amendment so it would provide that during the last two weeks of the session—

Mr. MANN. Why does not the gentleman put in his amendment the executive departments?

Mr. FITZGERALD. Well, I think it ought to go further than that.

Mr. MANN. Of course, the gentleman knows that you never can tell the last two weeks of a long session of Congress. Now, the situation is right here, that we will have the sundry civil bill, the legislative bill, the Agricultural bill, the naval appropriation bill, and probably the Diplomatic bill, all to be enrolled within possibly 48 hours' time, if they get them along far enough so that these bills become laws by the 1st of July. But you could not say it is the last two weeks of the session, and we could not if we were morally certain now that we were going to adjourn on the 1st of July.

Mr. FITZGERALD. I ask to modify the amendment by inserting the word "executive," so as to make it read "executive branch of the public service."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to modify his amendment by inserting the word—

Mr. FITZGERALD. Inserting the word "executive" before the word "branch."

The CHAIRMAN. Insert the word "executive" before the word "branch."

Mr. BRYAN. I ask that it be reported.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GARDNER. Reserving the right to object, I would like to have the amendment reported as it would read if modified.

The CHAIRMAN. The Clerk will report the amendment as it will read if modified.

The Clerk read as follows:

No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law.

The CHAIRMAN. Is there objection to the amendment being so modified? [After a pause.] The Chair hears none.

The question now is on the amendment as modified.

Mr. BRYAN. Mr. Chairman, on this matter I want to ask a question of the chairman of the committee. In some of these executive departments is it not a fact that details are now transferred to help out in emergencies, and that in such cases the expense is borne by the particular department to which such employees are temporarily transferred?

Mr. FITZGERALD. They are charged to the allotment of the printing fund of the department.

Mr. BRYAN. I am not sure, but I think some employees are at times transferred from the Printing Office to the office of the Auditor for the Post Office Department.

Mr. FITZGERALD. They have been in a number of the departments. An investigation was made by the committee, and the committee reached the conclusion that they were merely obtaining clerical service at the expense of their printing allotment instead of value in printing for the service rendered. We want to stop that. All of the departments are given ample clerical service.

Mr. BRYAN. If there were a lot of extra clerks in the Printing Office, it seems to me there would be only economy to permit them to work in other departments in case of an emergency.

Mr. FITZGERALD. Most of the employees aimed at here are not per annum employees. They are paid by the hour. If there is no work, the pay ceases. This is a desirable reform.

Mr. BRYAN. Would it not require also each department to keep the employees of the department up to the maximum number all the time, and tend to increase expenditures on account of keeping the roll up to the maximum?

Mr. FITZGERALD. No.

Mr. BRYAN. I think it would, and I hope you have fully considered the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Mail-carrying system: To enable the Public Printer to install mechanical mail-conveying apparatus for conveying mail from the mailing section within the Government Printing Office to and through a tunnel from the Government Printing Office to the new city post-office building and to connect with the mail-conveying system of that building, including all necessary appliances and tunneling in the street, \$30,000.

ing and to connect with the mail-conveying system of that building, including all necessary appliances and tunneling in the street, \$30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose that is subject to a point of order. It looks to me a little bit queer that the Public Printer is the one to have charge of the installation of mail-carrying devices to connect with mail-carrying machinery in the new post office. I supposed the Secretary of the Treasury, probably, or the Supervising Architect, had jurisdiction of the mail-carrying machinery in the new Post Office Building.

Mr. FITZGERALD. This tunnel was under the control of the Public Printer, and an appropriation was given to him, if I recall correctly. This apparatus is to be utilized in the transfer of the public documents from the superintendent of documents to the cars and loading stations, and its installation reduces very perceptibly the force—

Mr. MANN. I am not objecting to the installation of the machinery, but it seemed queer to me that the Public Printer was the one to be authorized to go into the new post office and interfere there with mail-carrying machinery, or even to determine where this should end in the new Post Office Building.

Mr. FITZGERALD. The apparatus starts at the Government Printing Office and goes through the tunnel to the new building, and then they have these carriers in the Post Office Building. The intention is that these will be so built that they will deposit on the other carriers in the Post Office Building. It is not to give any authority to interfere there at all. I think the thing is to be worked out between the two services.

Mr. MANN. I have no doubt that it will be worked out between the two services; yet it would be better to have some one in control in the new Post Office Building, to determine how it would be worked out.

Mr. FITZGERALD. This is the new city Post Office Building.

Mr. MONDELL. This is really an adjunct of the Government Printing Office. It is furnishing them with the means of reaching the post office.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the gentleman's amendment?

Mr. FITZGERALD. To change the name of the Panama Canal Commission.

Mr. MANN. To strike out "the Isthmian Canal Commission"?

Mr. FITZGERALD. Yes.

Mr. MANN. I withdraw the point of order. I did not know but that the committee wanted to continue that commission.

The CHAIRMAN. The point of order is withdrawn. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 166, in lines 3 and 4, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, and such expenses as are incurred in assembling, sorting, storing, repairing, and selling material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal, which are unserviceable or no longer needed, including the amount necessary to continue the construction of the two collars provided for under the act approved June 23, 1913, subject to the limit of cost therein fixed, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section 3 of the Panama Canal act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, and including also payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va., of the sum of \$9,076.21, to carry into effect an equitable settlement with that com-



pany, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts, and being in excess of the actual damages to the commission, \$9,000,000.

Mr. BARTON. Mr. Chairman, I want to inquire about the item of \$9,076.21.

Mr. FITZGERALD. The Wheeling Mold & Foundry Co. had some very extensive contracts on the Isthmus; and under the contracts it was provided that there should be certain deductions if the work was not completed within the time fixed. That, I think, was the form in which the first contract was made. The others provided that there should be certain deductions if the work was not completed within the time fixed, provided the Government was put to any expense or suffered any damages as the result of the failure to complete. There was over \$100,000 involved in the adjustments, because the first contract was worded a trifle differently from the others. The sum of \$9,076.21, which would have been waived because the Government has suffered no damage on account of the delay if the additional provision had been in the first contract, could not be waived; and the officials in charge of the work recommend that these allowances be made, because there was no damage sustained.

Mr. BARTON. That is the point I wanted to make, that it was recommended by the officials there that this reimbursement be made.

Mr. FITZGERALD. Yes; it was recommended by Col. Goethals, and that is the amount that he fixed. I have a letter here that I will ask leave to insert in the RECORD. It will explain the item so that there can be no question about it. I ask unanimous consent, Mr. Chairman, to insert the letter in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

PANAMA CANAL, WASHINGTON OFFICE,  
Washington, D. C., May 20, 1914.

Mr. JOHN J. FITZGERALD,  
Chairman of the Appropriation Committee,  
House of Representatives, United States, Washington, D. C.

SIR: I inclose herewith copy of letter from Col. Goethals, the governor of the Panama Canal, in connection with a request made to you by the Wheeling Mold & Foundry Co., of Wheeling, W. Va., for the insertion in the sundry civil bill of a clause permitting payment to them of approximately \$9,000. It is noted that this letter from Col. Goethals commences with quoting a cablegram from the Wheeling Mold & Foundry Co. indicating that the clause was not included in the sundry civil bill, which cable, of course, was incorrect in view of the fact that the sundry civil bill had not yet been reported out of your committee.

In brief, the amount which the governor feels should be paid to the Wheeling Mold & Foundry Co. is \$9,076.21, but under the present contracts this amount can not be paid. It is thought that a brief clause could be inserted in the bill to the following effect:

"For payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va., of the sum of \$9,076.21, to carry into effect an equitable settlement with that company, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts and being in excess of the actual damages to the commission."

Very respectfully,

F. C. BOGGS,  
Major, Corps of Engineers, United States Army,  
Chief of Office.

P. S.—It is noted that I am addressing this letter to you instead of to the chairman of the Senate Appropriation Committee, in view of the fact that it was apparently Col. Goethals's impression that the sundry civil bill had already been reported out of your committee.

W. O. 24038, 26908, 26008-A, 26008-B, 27467, AND 27467-B. RELIEF FROM LIQUIDATED DAMAGES.

CULEBRA, CANAL ZONE, May 8, 1914.

Maj. F. C. BOGGS,  
United States Army, General Purchasing Officer,  
Washington, D. C.

SIR: I am in receipt of the following cablegram from the Wheeling Mold & Foundry Co.:

"Item nine thousand not included sundry bill. We explained Fitzgerald according your instructions. Would you cable him our behalf?"

The matter referred to is set forth in my letter of October 3, 1913, and subsequent correspondence. Briefly reviewed, it is as follows:

The Wheeling Mold & Foundry Co. had six contracts with the Isthmian Canal Commission for fixed iron and machines for moving gates and valves in the locks of the Panama Canal, the total consideration of these contracts amounting to \$1,699,208.68. All of these contracts provided for payment of liquidated damages in case of delinquency in time of delivery on the part of the contractor. One of these contracts—for 90 gate-moving machines—provided that any delay which did not cause damage or inconvenience to the Government might be waived by the commission in computing the liquidated damages. The remaining contracts would have contained such a provision had it not been for a ruling of the Comptroller of the Treasury in force at the time such contracts were drawn to the effect that such waiver provision would vitiate the entire liquidated-damage clause and render it impossible to collect damages for delays which did actually cause damage or inconvenience to the Government. This ruling was reversed before the contract for the 90 gate-moving machines was made, and the optional waiver clause was therefore inserted in that contract.

A tabulated statement of the contracts is below:

W. O.	Subject.	Circular No.	Liquidated damages deducted.	Release signed.	Remarks.
24038	Fixed irons for valves, etc.	594	\$12,204.46	No.	No waiver clause.
26908	2 cylindrical and Stoney valve machines.	614	2,905.29	No.	Do.
26008-A	118 cylindrical valve machines.	614	3,215.15	No.	Do.
26008-B	114 Stoney valve machine	614	23,058.48	No.	Do.
27467	2 gate-moving machines.	627	2,407.96	No.	Do.
27467-B	140 gate-moving machines.	627	55,427.95	No.	Optional waiver clause.

The quotations of the Wheeling Mold & Foundry Co. in all of these contracts were reasonable, and it is especially to be noted that the contracts under W. O. 26008, 26008-A, and 26008-B, which aggregate \$755,950.01, were less by a total of about \$500,000 than the cost of the same work based on offers made for about one-third of it at a letting attempted some few months earlier. The early bids were rejected, the work readvertised, and given to the Wheeling Mold & Foundry Co. at the above-stated very large saving.

The Wheeling Mold & Foundry Co. was delinquent in time of completion of the different contracts and liquidated damages were assessed against the company, as tabulated above. It protested against the deductions, the principal grounds being that the Government had not suffered damage by reason of delay in completing delivery, and that the Wheeling Mold & Foundry Co. had suffered damage by reason of the Government not making final payment for the machines as promptly as the contract called for. In point of fact, much of the delay in delivery had caused no damage or inconvenience to the Government, and liquidated damages for such delay would have been waived had the contract permitted it. Further, the Government had been necessarily slow in making final inspection and payment for the machines after they arrived on the Isthmus, for reasons beyond its control; and the company had a just and unliquidated claim on that score.

Nevertheless, the Government had suffered to a certain extent by reason of the delay. Taking all circumstances into consideration, and offsetting the contractor's counterclaim on account of delayed payments, it was estimated that out of a total of \$102,857.48 assessed as liquidated damages all but an amount of, say, \$22,500 could properly be remitted. Had the contracts been drawn in the usual form, giving the Government authority to waive delays from which no damage had resulted, settlement would have been effected with the contractors on this basis. There being no such authority in the contracts, however, except in the case of the one for 90 miter gate-moving machines, a supplemental contract was prepared along these lines and submitted to the Comptroller of the Treasury, who, under date of October 9, 1913, ruled against its legality. Through subsequent action by your office, set forth especially in your letters of January 16 and February 4, 1914, and in a decision of the Comptroller of the Treasury dated January 27, 1914, sent under cover of your letter of February 3, 1914, payments were made to the Wheeling Mold & Foundry Co. until the sum remaining withheld from them was reduced from \$102,857.48 to \$31,576.21, or to a sum greater by \$9,076.21 than the sum in which it was estimated that the Isthmian Canal Commission had suffered damage or inconvenience through the delinquency of the contractor.

For relief from payment of this sum of \$9,076.21 the Wheeling Mold & Foundry Co. has sought aid from Congress. From the tenor of the cable dispatch quoted in the first paragraph of this letter it appears that the sundry civil bill does not contain the item which the company desired to have included. The company asks that I cable Mr. FITZGERALD on this subject. Such action would, I think, be too late to serve its intended purpose. I believe, however, that this sum should be remitted to the company, and, as heretofore stated, I should have remitted it had it been legally in my power to do so. I therefore request that you take the matter up with the chairman of the Senate committee, which has the bill in charge, in order that during consideration of the bill the committee may have its facts at hand and may be in a position to introduce the item in the bill, should it concur in my opinion that the allowance of this sum to the Wheeling Mold & Foundry Co. is just and reasonable.

Respectfully,

GEO. W. GOETHALS,  
Governor.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 167, in line 13, after the word "elsewhere," insert "; purchase, maintenance, and repair of motor cars, fire-fighting apparatus, towing locomotives, and other motor-propelled vehicles"; and in line 14 strike out the word "Commission" and insert the word "Canal."

The CHAIRMAN. Without objection, the vote on the two amendments will be taken together.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, \$500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 169, in line 14, after the word "Isthmus," insert "and for expenses of the official representation of Congress attending the formal opening of the canal."

Mr. FITZGERALD. Mr. Chairman, the canal is to be formally opened some time in March after the adjournment of Congress. It is assumed that some arrangement will be made so that there will be official representation of Congress on that occasion. This will enable whatever expense is connected with it to be paid out of this particular appropriation, which is the one out of which it should be paid.

Mr. MOORE. That would come out of the \$500,000 provided for here?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane and of indigent persons permanently disabled while in line of duty and in the employ of the Isthmian Canal Commission from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding \$75,000 for removal of quarantine station from Culebra Island to the vicinity of Balboa and for converting the hospital at Colon into a quarantine station and for new equipment for both, \$375,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 170, lines 14 and 15, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

Mr. MANN. Mr. Chairman, in connection with that amendment may I ask the gentleman is there any specific appropriation made, or necessary if not made, for the payment of compensation to employees who are injured on the canal work?

Mr. FITZGERALD. The gentleman will find that in lines 4 and 5, on the next page, the paragraph commencing—

The foregoing sums so far as necessary shall be available for \* \* \* payment of claims arising out of injuries or death of employees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

In all, \$20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and collars, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. MANN. I make a point of order against the proviso.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the proviso. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Except in cases of emergency or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act there shall not be employed at any time during the fiscal year 1915 under any of the foregoing appropriations for the Panama Canal any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1913; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 173, line 3, strike out the words "chairman of the commission" and insert the word "governor."

The amendment was agreed to.

The Clerk read as follows:

Obstacles—

Two thousand five hundred coils of barbed wire, at \$3 each, \$7,500.

Mr. HAWLEY. Mr. Chairman, I should like to ask the gentleman in charge of the bill what is the purpose to be served by this barbed wire?

Mr. FITZGERALD. It is to be used for obstacles to prevent the rapid advance of Infantry.

Mr. HAWLEY. Like the famous trochas in Cuba during the Spanish War.

Mr. FITZGERALD. To make obstructions to passage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1915, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding \$10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section 7 of the Panama Canal act; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission; and to the maintenance of administrative district prisoners: *Provided*, That if the revenues of the Canal Zone government are not sufficient for the purposes herein specified, the necessary part of the amounts appropriated for the departments of civil administration and law, under items 7 and 9, may be used therefor. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 176, in lines 6 and 7, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What was the amount expended for these purposes at the last date that the gentleman has? Here we make a definite appropriation out of certain receipts, and then say that if those receipts are not enough for the purposes we are authorized to take out of two other items any amount that they may see proper to take. What is the total of these expenditures, if the gentleman has them?

Mr. FITZGERALD. I will state the amount in a moment.

Mr. MANN. The gentleman will recall that there have been efforts made down there to construct some very expensive and unnecessary roads, which progressed at one time far enough to require Col. Goethals, now Gov. Goethals, to set his foot down pretty hard. Of course there is no limitation to the amount they may expend in that way, if they get the head of the government there to approve it.

Mr. FITZGERALD. They actually expended in the civil government in 1913 \$81,000. The receipts for 1913 were \$212,266.83. The estimated receipts for 1915 are \$86,075. They expect a very material falling off next year.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 3. That during the fiscal year 1915 all moneys received by the governor of the Panama Canal from any services rendered or materials and supplies furnished to employees of the United States or of the Panama Railroad Co., to the Panama Railroad Co., to the Canal Zone government, to the Panama Government, and to other departments of the United States Government from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished to vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and from exchanges of typewriting, adding, and other machines, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made. Moneys heretofore or hereafter received from the sale of material, supplies, and equipment purchased or acquired for the construction of the Panama Canal, after deducting all expenses of assembling, sorting, storing, repairing, and selling such material, supplies, and equipment, which deductions shall be credited to the appropriations from which such expenses are paid, and the moneys received as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts. After the canal is opened for use and operation the net profits accruing during the fiscal year 1915 from the operations herein authorized shall be



covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

Mr. MANN. Mr. Chairman, I reserve a point of order on section 3. I see that it is proposed to credit to some appropriation, whatever it may be, the proceeds of the sale of all the scrap and also the proceeds of the sale of obsolete and unserviceable supplies and equipment. Why should not that go into miscellaneous receipts?

Mr. FITZGERALD. I think it should ordinarily, but the gentleman from Illinois will remember that a different policy was adopted in regard to the canal. As these materials were all purchased out of the different appropriations, the proceeds from the sale of them is credited back, so that the total appropriations for the canal will not be more than it actually cost.

Mr. MANN. That is all very well, but the canal construction work is done. The locks are finished. Suppose they sell some obsolete material there, and they have a large amount of both material and machinery, what good does it do to credit that in the Treasury to this fund? They have more or less material down there purchased from the French Government, not very much.

Mr. FITZGERALD. Yes; they have considerable.

Mr. MANN. What are you going to credit that to, the original purchase of \$40,000,000? There it is in the Treasury, and there is no way to get it out without an appropriation. I understand they expect to sell a very large amount of this material.

Mr. FITZGERALD. They do. The cost of all this material is charged to the cost of the canal.

Mr. MANN. Undoubtedly.

Mr. FITZGERALD. And if they sell a part of it, they have saved that much from the total cost.

Mr. MANN. They are entitled when they sell any of it, or transfer it to the Alaska Railroad Commission, to a credit of that amount. They get the benefit of that credit, but you say "credited to the account."

Mr. FITZGERALD. Under this they get the benefit of the proceeds also. They are in the finishing-up stage there.

Mr. MANN. We have machinery there that ought to sell for millions of dollars.

Mr. FITZGERALD. I think not, but it may, however.

Mr. MANN. Of course I do not mean hundreds of millions but millions. Now, does the committee propose to have that brought in and credited to the different items in the appropriation bill?

Mr. FITZGERALD. It has been a continuing appropriation. These appropriations are not affected by the covering-in act.

Mr. MANN. I understand that.

Mr. FITZGERALD. In one way it is a sort of protection for these funds against the possibility of not having sufficient money when Congress is not in session. We have done this on the other material that was sold.

Mr. MANN. That material was sold down there, but I do not think I shall be arbitrary about it. Here is a large amount of material to be sold, and there comes a great temptation, perhaps, to some officer to sell it for a lower price than he would otherwise get in order to credit it to some fund under his control.

Mr. FITZGERALD. This only applies to this year. We have been urged to give them authority to extend it over a period of years and permit the employment of a business concern to handle all this material, but the committee refused to do that.

Mr. MANN. The same people have been to me about that part of it. While this only applies to this year, it may make it more urgent upon some one to sell it this year at a low price, because during this year they get the credit for it. But I do not wish to have anyone think I am in the attitude of criticizing these officials down there, for whom I have the utmost respect and in whom I have the greatest confidence, but I do not think it is a good business proposition.

Mr. FITZGERALD. In the next fiscal year we will practically complete the construction period. Beyond that the uniform policy that has been adopted for the canal I believe should be changed.

Mr. MANN. I feel a little modest on this subject, because yesterday when I took exception to some sort of a proposition I was not able to lead by own side of the House. They voted in favor of gentlemen who gave me nothing but personal abuse, so I feel a little modest about making a point of order against the gentleman's proposition when I can not even take care of my own people.

Mr. FITZGERALD. I heard the gentleman's speech and I knew what was in the bill.

Mr. MANN. So did I. I made the speech and I knew what was in the bill. I withdraw the point of order.

The Clerk read as follows:

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the functions of receiving, disbursing, and accounting for the funds appropriated for the Panama Canal shall be and is hereby authorized in so far as may be practicable: *Provided*, That separate accounts shall be kept of the transactions under each fund.

Mr. BARTON. Mr. Chairman, I reserve the point of order on the paragraph. I desire to ask the chairman of the committee some questions in respect to it. It seems to me that the following language is ambiguous:

That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government, etc.

"Functions of accounting" is the language that I desire to direct attention to. In the accounting there are practically two divisions of the government, the administrative accounting, which is done by regular bookkeeping processes in the various administrative offices, by which they may at all times be acquainted with the debits, credits, and balances and of all the moneys under their jurisdiction, and then there is the Treasury accounting, which is done by the Treasury Department here, and, as I understand, a committee of three was sent from the Treasury Department to make a report, and the report was accepted by the Treasury Department, embodying the ideas of the department and of that committee, setting out forms that they would advocate and approve, and this, it seems to me, would put the functions of auditing in the hands of the men who have the disbursement of the money, and take it out of the power of others.

Mr. FITZGERALD. This particular paragraph has reference to this situation. We have at present on the Isthmus two separate organizations, one in connection with the Panama Railroad—

Mr. BARTON. I understand that.

Mr. FITZGERALD. And one in connection with the canal. This is to consolidate those functions as much as possible.

Mr. BARTON. Yes.

Mr. FITZGERALD. And to make one organization. The next paragraph is the one which I think perhaps the gentleman from Nebraska has in mind.

Mr. BARTON. I have some points on the next paragraph, and unless it is amended I expect to make a point of order to it. I think the functions of receiving, disbursing, and accounting mean the Treasury Department of the United States.

Mr. FITZGERALD. That is true; but it is to abolish the two organizations and just have one organization.

Mr. BARTON. Yes. To make this a matter of record, will the gentleman say that this does not in any manner conflict with the authority of the Treasury Department in auditing?

Mr. FITZGERALD. This has nothing whatever to do with it.

Mr. BARTON. That is all I want. I withdraw the point of order.

Mr. MANN. There is a typographic error in the paragraph which should be corrected.

The CHAIRMAN. Yes; that will be corrected, without objection.

There was no objection.

The Clerk read as follows:

SEC. 5. That the collecting officers of the Panama Canal shall render their accounts in such detail, and shall transmit with their accounts to the accounting officers charged with the settlement thereof all such papers, records, and copies relating to their transactions as collectors as shall be prescribed in regulations approved by the President.

Mr. BARTON. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, let me say to the gentleman from Nebraska that the Comptroller of the Treasury raised the question suggested by the gentleman from Nebraska about this paragraph.

Mr. BARTON. Yes.

Mr. FITZGERALD. After a conference it was suggested that an amendment, which I intend to present, be offered, which obviates the objection that he has. It is to add after the word "President" the following:

And in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act, approved July 31, 1894.

The Dockery Act prescribes certain forms of accounting and puts the methods under the comptroller. I understand that the so-called Warwick committee, which the gentleman has in mind, and the canal officials are working in harmony, and this proposed amendment meets the objections of the Comptroller of the Treasury upon whom, under the law, would fall the duty generally of prescribing forms and methods of accounting.

Mr. BARTON. There is another ambiguous proposition in the language in this section:

Accounting officers charged with the settlement thereof—

And so forth.

What accounting officers? Would the gentleman object to saying "of the Treasury"?

Mr. FITZGERALD. The accounting officers charged with the settlement thereof.

Mr. BARTON. Yes; that is the question.

Mr. FITZGERALD. That is satisfactory—of the Treasury.

Mr. BARTON. If the gentleman will say that, that will satisfy me.

Mr. FITZGERALD. That is what was intended, and I will offer that amendment and also offer the following amendment. I will ask first to offer an amendment to insert after the word "officers," in line 17, the words "of the Treasury."

The CHAIRMAN. The point of order is withdrawn, and the gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 178, line 17, after the word "officers," insert the words "of the Treasury."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Now, I offer the other amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 178, at the end of line 20, after the word "President," strike out the period and insert the following: "and in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act approved July 31, 1894."

Mr. MANN. Is there a comma after the word "judgment"?

The CHAIRMAN. There is not.

Mr. MANN. There ought to be. I move to insert a comma after the word "judgment."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 7. That the appropriations herein made for the Panama Canal, other than those for fortifications, or balances thereof, may be available, during the last half of the fiscal year 1915, for expenditure for the purposes indicated by the several titles enumerated in the foregoing section, namely, construction, maintenance, operation, sanitation, and civil government, and be accounted for at the end of that year in such detail or classification, respectively, thereunder as may be determined by the Governor of the Panama Canal, or hereafter required by Congress; and such balances may, on and after January 1, 1915, constitute one fund for expenditure under said respective titles.

Mr. BARTON. Mr. Chairman, I reserve a point of order on this section. The law—Statutes at Large, volume 26, page 413—provides:

SEC. 4. That hereafter all disbursing officers of the United States shall render their accounts quarterly, and the Secretary of the Senate shall render his accounts as heretofore, but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when, in his judgment, the public interests require.

Why should this section provide for an annual statement rather than comply with the present law and render the statements quarterly, or oftener if called for by the Treasury Department?

Mr. FITZGERALD. The object of this is—

Mr. BARTON. This section says the funds are to be accounted for at the end of the year, when in every other department they have to make these statements quarterly.

Mr. FITZGERALD. On the completion of the work of construction there will be a balance in the various funds, and the purpose of the language of this provision is that in the last half of the fiscal year 1915 one lumped-sum appropriation may be expended for these purposes. It is to clean up a great construction job, and it does not change in any way the final settlements of account by the auditor, but it is to be consolidated in one fund at the finish of scattered and various funds, so that the work may be cleaned up and ended expeditiously.

Mr. BARTON. Can the gentleman state any reason why that should not be accounted for at the end of each quarter the same as all other Government funds are accounted for?

Mr. FITZGERALD. This does not affect the accounting at the end of each quarter at all.

Mr. BARTON. It does not?

Mr. FITZGERALD. Oh, no; but instead of maintaining these eight funds separately after half the fiscal year they are all made one fund.

Mr. BARTON. And those in authority in the zone are supposed to make quarterly statements the same as the others?

Mr. FITZGERALD. We do not take away any limitation in respect to the quarterly accounting. There is no intention in any way to remove the limitation for accounting.

Mr. BARTON. With that statement, Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. But if there should be any question of that, I will be very glad to make that as specific as it can be made.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 9. That section 196 of the Revised Statutes is amended to read as follows:

"SEC. 196. The head of each executive department or other branch of the public service and the Commissioners of the District of Columbia shall furnish to the Public Printer copies of the documents accompanying their annual reports on or before the 15th day of October of each year and copies of their annual reports on or before the 15th day of November of each year. Complete revised proofs of the accompanying documents and the annual reports shall be returned to the Public Printer on or before the 10th and 20th days of November of each year, respectively. Annual reports which do not conform to the provisions of this section shall be transmitted in manuscript to Congress, accompanied by a full statement explanatory of such failure, and shall not be printed except upon the express authority of Congress."

Mr. MANN. Mr. Chairman, I reserve a point of order upon that section. What does the gentleman expect to accomplish by this?

Mr. FITZGERALD. The purpose is to enable Members of Congress to obtain copies of the annual reports of the various heads of departments some time before the adjournment of Congress.

Mr. MANN. Well, but suppose a head of a department does not furnish a report within the time? He has no penalty put upon him. The Government may be put to the expense of getting out of the Government Printing Office a proof and having it copied in longhand in order to send it to Congress in manuscript, or he may have the printed copy of these documents in his possession, and he can not even use the printed copy he has got, but he must have that reduced in longhand again after it has been reduced from longhand to type.

Mr. FITZGERALD. It does not say that.

Mr. MANN. I do not know what a manuscript copy is, possibly, but it certainly is not a proof. They send the manuscript copy to the Printing Office; it is set up in type, and the manuscript copy is cut up for the benefit of the typesetters. That is gone. They furnish proof copies of it. But that will not do. He has to reduce it to manuscript before he can send it to Congress.

Mr. FITZGERALD. That proof is manuscript.

Mr. MANN. That is not manuscript. Everybody knows the difference.

Mr. FITZGERALD. Oh, no.

Mr. MANN. Everybody knows the difference between manuscript and a proof copy.

Mr. FITZGERALD. I am not a printer.

Mr. MANN. Well, I have been.

Mr. FITZGERALD. I think it will be effective. In short sessions of Congress, as the gentleman from Illinois is aware, by the time the committees preparing appropriation bills have finished their work, the annual reports commence coming in.

Mr. MANN. I am one of the numerous Members of Congress who have these annual reports laid on their desks. I want to say that I go through them all, and I suppose the rest of the Members do. And I cited here that not long ago the law required the Interstate Commerce Commission to present its annual report to Congress on the first Monday of December of each year, and that they never had done it, although it criticized severely in its last annual report other people because they did not furnish their reports in the time required. But it is not done and it is not likely to be done.

Mr. FITZGERALD. But it will be done.

Mr. MANN. Oh, no. Here are a lot of documents to come with the reports. It is not feasible always to have them in at the proper time, and if they were all presented at the Government Printing Office at one time the office could not print them all.

Mr. FITZGERALD. We know these reports do not come in on time, and that they do not come in because the departments do not prepare the manuscripts in time. We got a statement from the Public Printer as to the date when he received his manuscripts and when he sent his proofs back. We got an annual report some time the latter part of May that should have been out in December or earlier.

Mr. MANN. The custom has been in the past where the department sent the manuscripts to the Printing Office, and after they got to the proof reading a man from the Government Printing Office went to the department to assist and read the proof so as to expedite the thing.

Mr. FITZGERALD. That is not what they were there for.

Mr. MANN. And you cut that out.

Mr. FITZGERALD. They went up there ostensibly to arrange these matters. Some of the men of these departments who are preparing manuscripts for printers have such peculiar notions as to how material should be arranged that the Public Printer said he thought it was an advantage to send a man



who knew something about the printing establishment to arrange their copy for them.

Mr. MANN. Certainly; and you cut that out.

Mr. FITZGERALD. That was a wise thing to cut out. I would like to try this once. I have been criticizing these departments—

Mr. MANN. I would like to know more about it before we try it.

Mr. FITZGERALD. You never will know any more about this item than the gentleman does now if we do not change it.

Mr. MANN. But put in a provision providing some other penalty upon them in some way, without fixing it so they have got to do an impossible thing.

Mr. FITZGERALD. The biggest penalty to these men is not to give publicity to their reports. The report is the one thing they look forward to. One of the reasons these reports are not sent to Congress in time is that the department makes the suggestion of the date on which the report of the heads of the departments will be given to the public, and you can not get a copy of their report in advance of the day the newspapers of the country are to carry in blazing headlines the astounding record of the accomplishments and the expression of the hopes of the head of the bureau for the ensuing year.

Mr. MANN. I would say to the gentleman that if I were the head of one of these departments I would be greatly tempted to follow the provisions of this proposition and send my manuscript to the House of Representatives, where it would be ordered printed, as a matter of course, and paid for out of the congressional printing fund, and have that much more money in that department to spend for something else.

Mr. FITZGERALD. But Congress might not print the report.

Mr. MANN. It goes as a matter of course.

Mr. FITZGERALD. It does not go as a matter of course.

Mr. MANN. Every document of that sort that comes here is ordered printed. It does not take the action of the House, even.

Mr. FITZGERALD. It provides it shall not be printed except by express authority of Congress.

Mr. MANN. Certainly. All these things are printed by the express authority of Congress.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. This is merely a limitation, not to print them.

The Clerk read as follows:

Sec. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the head of each executive department, or other branch of the public service, or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution.

Mr. FITZGERALD. Mr. Chairman, I understand that the Regents do not meet prior to the first Monday in December.

Mr. MANN. That has nothing to do with it.

Mr. FITZGERALD. I say the Regents of the Smithsonian Institution represent that they do not meet before the first Monday in December, and it would be impossible for them to comply with the provision.

Mr. MANN. That has nothing to do with it. They have nothing to do with the printing of the annual report. However, I do not think it ought to be done. If you are going to put it in, you ought to put it in as section 9. Is that the idea?

Mr. FITZGERALD. Yes. Make it section 9.

The CHAIRMAN. Without objection, it will be so ordered. There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 12. That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments.

Mr. MANN. Mr. Chairman, I reserve a point of order on the section. What does it mean?

Mr. FITZGERALD. We have discovered a situation like this: Where there is a vacancy at the head of an office and the assistant is designated as the acting head he has been paid the compensation of the head of the office.

Mr. MANN. I do not quite get it.

Mr. FITZGERALD. I will give a specific instance. The commissioner of immigration in the city of New York receives compensation of \$6,500 a year. The deputy receives \$4,500 a year. The deputy is in the classified service. The commissioner has been vacant since the 1st of last July. An order was signed by the head of the department designating the deputy commissioner of immigration as the acting commissioner of immigration, and he is paid at the rate of \$6,500 per year.

Mr. MANN. He performs the duties, does he not?

Mr. FITZGERALD. He is performing the duties that would devolve upon him naturally as deputy, but this is the only branch in the entire Government service where anything like that could be done.

Mr. MANN. My recollection is that in the Diplomatic Service it is provided for by law in that very way.

Mr. FITZGERALD. There is a specific provision of law for that purpose. That is where a minister or an ambassador is absent from his post of duty.

Mr. MANN. Would not this provision repeal that law?

Mr. FITZGERALD. No, sir.

Mr. MANN. Why not?

Mr. FITZGERALD. Because the statute specifically provides for that in the Diplomatic Service.

Mr. MANN. For the salary, you mean?

Mr. FITZGERALD. This is only to apply to general lump-sum appropriations. It is only out of such appropriations that the prohibition is made against paying to the deputy the salary of the chief. A short time ago, as the gentleman will recall, there was a vacancy in the office of the Comptroller of the Currency.

Mr. MANN. Yes.

Mr. FITZGERALD. And the deputy acted as Comptroller. He could not receive the compensation.

Mr. MANN. He has not received it, you mean? The gentleman said "he could not."

Mr. FITZGERALD. He has not.

Mr. MANN. But he is trying very hard to.

Mr. FITZGERALD. If he had been in the Immigration Service, paid out of this lump-sum appropriation, he would have received it.

Now, I have received information that there are some other lump appropriations in which, according to the statute, these designations were made, but I have not information sufficiently accurate to state the instances.

Mr. MANN. If the committee has been over this subject carefully, I will withdraw my point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws his point of order.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting the report on the bill amending the general dam act.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the Record by printing the report referred to. Is there objection? There was no objection.

Following is the report referred to:

[House Report No. 592, Sixty-third Congress, second session.]

"CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

"Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 16053:

"The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16053) to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by the act approved June 23, 1910, having considered the same, report thereon with a recommendation that it pass.

"Before acting on the subject, as per the bill herewith reported, your committee gave long, thorough, and patient attention to every phase of the subject, considered all the different views and shades of opinion entertained and advanced by many people, who have discussed the question from various angles and viewpoints. Your committee has endeavored to find a true basis or common ground on which those entertaining various and divergent views on minor details might agree, in order that legislation might be secured and progress promoted toward the accomplishment of the purposes of the bill.

"It was not the original intent of those who conceived and framed the general dam act to deal with all water power, nor



all questions affecting water powers, nor was it originally intended to deal with questions affecting water-power sites on the Government public lands, nor with projects promoted by the Government at the expense of the Treasury for the promotion of navigation solely, though incidentally providing in many cases magnificent heads of water for the generation of power and hydroelectricity. There were many thousands of miles of shoally streams affording sufficient water to maintain navigation if the water could be controlled, canalized, and thrown into slack-water pools. The cost of such work, if undertaken by the Government, to promote navigation only would obviously be prohibitive. No commerce was borne upon the streams or the parts thereof to be affected by such legislation; they were not in condition for navigation, yet the resources of the contiguous country were so abundant as to call for transportation facilities, and those offered by railroads, if any at all, were totally inadequate.

"Many communities needed light, fuel, and power for manufacturing purposes and the electric force and heat to extract from the air elements for fertilizers realized in the manufacture of calcium cyanamid or atmospheric nitrogen. Many other possibilities of profitable commerce appealed to private capital to develop power on those shoally streams. The lands belonged to private individuals; they were located in States which could charter corporations, authorize development of water power, tax them, and regulate their practices and charges, but those streams were all under the jurisdiction of the United States Government in so far as the right of navigation was concerned. The owners of the land were prohibited by law from obstructing those streams without the consent of Congress. It was to the interest of the public to secure navigation, which the Government could not, or would not, furnish on account of the high cost, and the owners of the property could not develop the water power and promote navigation without the consent of the Government, and would not do so unless the consent of the Government was granted on terms sufficiently attractive to invite capital to invest under the hope of reasonable profit. So the original legislation was framed to accomplish two objects: First and primarily to promote navigation on streams which otherwise would never be navigable. The navigation could be secured by inducing private capital to construct locks and dams in the same manner under the approval and direction of the War Department as they would be constructed by the Government if the Government would do the work at all; and, secondly, to permit the development of the resources and the progress of the industries of the countries through which those streams ran by encouraging the development of possible water power on those streams. Possibly the smallest use to which the water power would be devoted would be the generation and transmission of hydroelectricity, but even the value of that to the public would be incalculable. It is in every respect a successful competitor of all kinds of fuel, as it affords heat for warmth, cooking, and culinary purposes, and light more cheaply, more cleanly, more conveniently, and more safely than can be done by means of any other known element or method.

"Certain patriotic and benevolent persons, whose motives were no doubt good, obviously misunderstood the purposes of the general dam act, confounded it with the interests of the General Government in other respects, confused it with propositions connected with the public domain, and raised objections which have retarded progress and perhaps for many years banished capital from the country which, if encouraged in accordance with the purposes of the general dam act, would have secured the completion of many projects valuable to our people. In fact, a great many of the projects authorized by law have entirely failed on account of opposition, misguided and ill grounded, as we believe. Other projects on which the investors have struggled against a rising tide of criticism and opposition, although in a measure completed, have proven unprofitable because markets have not been found for their light and power. In some cases when the investors sought to create a market by enlarging their plants through other developments they have been defeated in the effort and have thus failed to realize on their investments.

"In reporting this bill to amend the general dam act we have tried faithfully to protect all the interests of the Government in every project for which the consent of Congress may be granted, at the same time imposing such fair and moderate terms and conditions of the consent of Congress as may induce capital to relieve the Government of the expense of promoting navigation by furnishing the capital and constructing the works in the hope of reasonable returns on investments. We conceive the prime consideration of the Government to be the promotion of navigation, and we believe there are streams on which several thousands of miles of navigation can be promoted under the

terms of this bill without any expense to the Government. Next to that our care has been to provide that the public shall be treated fairly by the grantees, and we have provided, therefore, for prompt and certain as well as just and reasonable regulation as to rates and practices; and to this end it is provided that if any State in which a project is chartered fails to protect the public by such regulation the Secretary of War shall do so.

"We have not provided for any specific tax upon the business of the enterprise. If the Federal Government should conclude that it is necessary to take away from the States the matter of water power as an object of taxation, we consider that a proper and safe way to do that is for the Ways and Means Committee to report a bill for levying a uniform excise tax upon all water power or hydroelectric development, or upon water-power sites developed or undeveloped. We have deemed that course proper in order to secure a bill that will promise development, which would be entirely prevented by adopting the other course. We have also provided against monopolies and combinations, and provided every precaution to protect not only the Government but the people of the United States in any possible contingency arising from operation of projects under this bill.

"Yielding to the pressure from many directions we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government from projects constructed wholly at the expense of the Government by leasing on satisfactory terms, with proper safeguards, the surplus water not needed for navigation at such projects. For the same reason we have also included a provision permitting the use of public lands for dam projects on terms to be prescribed by the Secretary of War where the structure proposed is to be in a navigable stream, for be it remembered that this bill deals only with portions of streams which are only theoretically navigable, but which could be made navigable, as we believe, under the operation of the legislation proposed.

"Your committee has deemed it proper to print the bill, for convenience of examination and ready understanding, so marked and distinguished as to show the existing law brought forward and the new law proposed by the amendment.

"Your committee will briefly analyze and state, as follows, the new provisions of this bill:

"The bill reforms existing law by collocating and paragraphing all provisions relating to particular parts of the subject, so that it may be more conveniently examined and understood. The changes in existing law are substantially as follows:

"Section 2 provides that at the time of original approval the Secretary of War and the Chief of Engineers shall determine whether or not they shall require the owner, at his expense, to construct a lock as a part of that original project. If not then required, Congress may direct afterwards that a lock shall be installed at public expense, in which case title to land required for construction and power for building, operation, and maintenance may be required to be furnished by the owner of the dam.

"Section 3 changes existing law so that the comprehensive plan required by the Secretary of War and the Chief of Engineers shall consider the use of water for all beneficial purposes, and that plan shall be adopted which best utilizes the water resources of the region.

"Section 4, paragraph (b), changes existing law by providing that the compensation required from the owner of the dam on account of benefits accruing because of headwater improvements, the erection of reservoirs, etc., shall be collected to an amount not exceeding 5 per cent per annum upon the total investment cost of such improvements to the United States, in addition to the annual expenses of maintenance of the headwater improvements, all of which shall be divided among all the dams on the stream receiving benefits from the increased flow, and shall be equitably apportioned among all the beneficiaries.

"Paragraph (c) provides for payment to the United States for the use of any of its lands or property to an amount not exceeding 5 per cent of the value of the lands, as may be fixed by the Secretary of War and the Chief of Engineers. In fixing such charges there shall be considered the benefits to the interests of navigation as well as to the business of the owners of the project.

"Paragraph (d) changes existing law by providing that the United States may exact security for payment of such sums as may be required to restore the condition of the stream as to navigability as existed at the time of the approval of dam proposed, but that as a basis for action the Secretary of War and the Chief of Engineers must determine that navigation is injured by reason of the construction and operation of the dam.



"Section 5 changes existing law in providing that in the use of the navigation facilities afforded by the construction of any dam the interests of navigation shall be paramount to the use of the dam for power.

"Section 7 changes existing law in limiting the fine allowed to be imposed to not exceed \$1,000; and if the unlawful maintenance and operation shall be such as to require a revocation, the court shall so provide in its decree and may determine the sale of the dam and its appurtenances to persons who must then operate it under the provisions of this act.

"Section 8 is a new paragraph and provides that no dam constructed under this act shall be assigned or transferred except upon the written consent of the Secretary of War unless by a trust deed or a mortgage for financing the business, but that any successor or assignee, through foreclosure of such security, must hold the property subject to all the provisions of this act.

"Section 9 changes existing law in providing that after the expiration of the term of 50 years that such term shall continue until compensation shall be paid to the owner for the fair value of his property.

"Section 10 is new and provides that after the expiration of the term of 50 years the Secretary of War may terminate all rights by giving the owner one year's notice in writing and by taking over the property by the United States or by any person authorized by Congress. In taking over the property the United States or any person authorized by Congress must pay the fair value of the property, including the costs of the works required by the United States, and must assume the contracts for service entered into prior to the receipt of notice of termination, which shall have the approval of the duly constituted public authorities having jurisdiction of public utilities in that territory, provided that these contracts were entered into in good faith and at a reasonable rate. The fair value of the property and the reasonableness and good faith of the contracts shall be determined by an agreement between the Secretary of War and the owners of the property, and in the event of disagreement by proceedings in the district court of the United States having jurisdiction. In determining the value of the property no value shall be allowed for the consent of Congress granted according to this act nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

"Section 11 is a new section, and provides that all rates for public service shall be just and reasonable and that discriminatory practices shall not be allowed. The bill provides that every rate and practice must be just and reasonable, and every unjust or discriminatory charge is declared to be illegal. Whenever the Secretary of War shall be of the opinion that the rates or services are unjust, upon complaint and hearing he is authorized to prescribe maximum rates and charges, and in case of the violation of the order of the Secretary of War the provisions as to forfeiture apply. For the purpose of rate making the value of the property may be considered in connection with the requirements for the expenditures required by the authorities of the United States. The Secretary of War is further authorized to fix these same conditions as part of his approval of the plans of any other project. This section provides that when any State in which a project is situated provides adequate regulation as to rates, charges, and service, and whenever such shall be established to the satisfaction of the Secretary of War, then the provisions of this section shall not apply. Any State may control the subject, if it will only do its duty. If it fails to regulate, the Secretary of War will regulate.

"Section 12 provides that the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval of his plans, and shall within a further period of three years complete and put into commercial operation such part of the development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the available market. If the dam and accessory works can not be completed within the further period of three years, the Secretary of War and the Chief of Engineers may, if the public interests will be promoted thereby, grant a further extension not exceeding two years; but as to the ultimate development for the service of the public, aside from the dam and accessory works, the Secretary of War and the Chief of Engineers may regulate such ultimate development and require facilities installed within such time as they may prescribe, and the orders of the Secretary of War and the Chief of Engineers shall be complied with in the time specified therein until such ultimate development shall be completed.

"Section 13 provides that the right to alter, amend, or repeal is reserved whenever Congress determines the conditions of consent have been violated.

"Section 14 is a new section authorizing the Secretary of War, with the approval of the Chief of Engineers, to lease to any applicant who has complied with the laws of the State in which the dam may be located any surplus power developed by a dam that is constructed or owned by the United States for the purposes of navigation. In making these leases preference shall be given to the applicant whose plan is approved by any act of Congress or by the Secretary of War and Chief of Engineers as best adapted to the interest of navigation or to conserve the water-power resources of the region. All such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

"Section 15 is new, and prohibits any dam constructed under this act becoming a part of any trust or combination or entering into any contract to limit the output or distribution of electric power, but provides that current and power may be interchanged with other power companies, so as to facilitate the giving of efficient service. Such interchange to be made under rules and regulations to be prescribed by the Secretary of War.

"Section 17 provides that all requirements of this act shall apply to dams already constructed and in operation."

Mr. MONDELL. Mr. Chairman, I want to assure the gentleman from Illinois that the committee have gone over this matter very carefully. Here is a perfectly good job that might properly be filled by some good, loyal Democrat which is being filled by a civil-service employee. Now, if that is not an outrage, I do not know how you could conjure up or imagine one. Here are the untold numbers in countless numbers seeking jobs, hungering for places at the public crib, and a good job that pays well is being filled by a civil-service employee.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Now, just to be honest among ourselves, does not the gentleman from Wyoming really believe, as I believe, that these exempt positions under the Federal Government ought, under a Democratic administration, to have Democrats placed in them?

Mr. MONDELL. Of course, and I am trying to explain that I do.

Mr. FITZGERALD. And under a Republican administration they ought to be filled by Republicans. We agree on that.

Mr. MONDELL. I never disagreed with the gentleman on that proposition at all.

Mr. FITZGERALD. And if we had our way we would put them in.

Mr. MONDELL. I am only pointing out what an outrage it is that the administration refuses to take advantage of this splendid opportunity to give some good, patriotic Democrat, desirous of serving his Government and the people, an opportunity to do it at a good salary.

Mr. FITZGERALD. If this situation continues much longer, my health will be seriously impaired.

Mr. MONDELL. We do not want it to continue. In the interest of the Democratic Party and the public service we ought to put an end to it as soon as possible. [Laughter.]

Mr. MANN. Mr. Chairman, I do not agree with either the gentleman from New York [Mr. FITZGERALD] or the gentleman from Wyoming [Mr. MONDELL] that all places in the Government service not covered by the classification service should be filled by Democrats.

Mr. FITZGERALD. I do not mean all.

Mr. MANN. What I rose for was to commend the President of the United States for some of his appointments. I see the gentleman from Maryland [Mr. COVINGTON] is about to leave the Hall, and I should like to have him wait a moment. I have noticed that from time to time the President has robbed the majority of the present House of some of its brightest lights, and he recently made an appointment which I am sure meets with the hearty approval of every person in this House, including Bull Moose, Republicans, Democrats, Independents, and I believe of everybody in this District.

I desire to express my appreciation of the appointment which the President made when he appointed the gentleman from Maryland [Mr. COVINGTON] to be chief justice of the Supreme Court of the District of Columbia. [Applause.] He might have searched the world over, but could not have found a better man for the place, or any other good place. [Applause.]

Mr. FITZGERALD. And do not forget there are a number of others almost if not quite as good.

Mr. ADAMSON. If there are any more good places, tell him to pass them around, and we will brag on him every time he does it. [Laughter and applause.]



The Clerk resumed and completed the reading of the bill.  
The CHAIRMAN. The Clerk will return to the part of the bill which was passed over.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.  
PUBLIC BUILDINGS, CONSTRUCTION AND SITES.

For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows:

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, in line 5, strike out the word "including"; and in line 6, after the word "buildings," insert the word "severally."

The amendment was agreed to.

The Clerk read as follows:

Alliance, Ohio, post office: For completion, \$25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are all of the items in this bill in relation to public buildings to carry out authorizations heretofore made?

Mr. FITZGERALD. Yes; and all estimated for, and for the amounts stated to be necessary by the department for work during the ensuing fiscal year.

Mr. MANN. So that the committee has performed nothing more than the ordinary function of making appropriations where estimates have been made under authorization.

Mr. FITZGERALD. Except in two cases, where we did not make the appropriations requested.

Mr. MANN. The committee have done nothing more.

Mr. FITZGERALD. We have simply carried the amounts that the department said were required to carry on the work during the ensuing fiscal year on authorized buildings.

Mr. MANN. When we passed over these items the gentleman suggested that they be passed over because there might be items come in from the department.

Mr. FITZGERALD. I have a number of amendments to offer for estimates which have come in.

Mr. MANN. And in each of those cases the authorization has been made?

Mr. FITZGERALD. Yes; and the department states that it requires for the ensuing fiscal year the sums proposed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amarillo, Tex., post office and courthouse: For continuation, \$15,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, after line 12, insert the following:  
"Andalusia, Ala. post office: For site, \$5,000."

The amendment was agreed to.

The Clerk read as follows:

Chanute, Kans., post office: For commencement, \$18,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, after line 15, insert the following:  
"Chariton, Iowa, post office: For site, \$5,800."

The amendment was agreed to.

The Clerk read as follows:

Delavan, Wis., post office: For completion, \$14,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 7, after line 2, insert the following:  
"Denver, Colo., post office: The appropriations heretofore or that may hereafter be made for construction shall be available for installation of mailing devices in said building within the present limit of cost therefor."

The amendment was agreed to.

The Clerk read as follows:

Edwardsville, Ill., post office: For completion, \$31,000.

Mr. BALTZ. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, after line 15, insert the following:  
"For an addition to the Federal building at East St. Louis, Ill., \$240,000."

Mr. FITZGERALD. To that I reserve a point of order.

Mr. BALTZ. Mr. Chairman, I do not desire to take up the time of the House at any great length in discussing the merits of this amendment. The omnibus public-building bill, which passed March 4, 1913, carried an item of \$125,000 for building an addition to the Federal building at East St. Louis, Ill. The Senate raised the amount to \$240,000.

The city of East St. Louis is one of the fast-growing cities of this country. The population of that city has quadrupled in the last 20 years. The population in 1890 was a little over 15,000; in 1900 it was nearly 30,000; and in 1910 it was nearly 60,000. At that ratio, in 1920 the city will contain a population of 120,000.

The hearings had upon that proposition disclose the fact that the building was not large enough to carry on the business of the city. I will read from the hearings had upon that proposition, in which the Supervising Architect testifies to this fact.

Mr. WENDEROTH. Mr. Chairman, perhaps it would be well for me to read a letter from the postmaster at East St. Louis, Mr. Merrick, addressed to the First Assistant Postmaster General, under date of January 4, 1913.

Mr. ASHBROOK. Is that the same letter you read yesterday, Mr. Copley?

Mr. COPLEY. Yes.

Mr. ASHBROOK. Then, I would think there would be no necessity for reading it.

Mr. WENDEROTH. The department is advised that the following desire space in the building: Civil Service Commission, 1,500 square feet; Department of Commerce and Labor, 500 square feet; Bureau of Animal Industry, 2,000 square feet. The Department of Agriculture states that if the last-named bureau can secure accommodations it will effect a saving of approximately \$1,500 per annum in rental. In addition to the above, the following, now located in the building, desire additional space, as noted: Post office, 2,536 square feet; United States courts, 1,028 square feet.

The total additional space desired is, therefore, 7,564 square feet; but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now available—namely, 15,000 square feet instead of 8,314 square feet.

The department's report to the committee of January 18, 1913, was based on additional space of, roughly, 12,000 square feet, to be provided in the extension, at a cost, including changes in and remodeling of present building, etc., of \$240,000. This allowance of space provides for the necessary corridors, stairways, etc., and for a reasonable future growth.

The CHAIRMAN. Does not the Bureau of Animal Industry occupy a building down near the stockyards, where they are paying rental? Is that not a branch office?

Mr. WENDEROTH. It is a branch station, or substation, as I understand it.

The CHAIRMAN. Is that down near the stockyards?

Mr. WENDEROTH. Yes, sir.

The CHAIRMAN. And that will be retained?

Mr. WENDEROTH. I understand not.

The CHAIRMAN. Is it not true that the animal-industry business ought to be conducted as near to the stockyards as possible?

Mr. WENDEROTH. According to the letter from the postmaster of East St. Louis, the St. Louis National Stockyards are just across the street from the post office.

The CHAIRMAN. But the stockyards themselves are not?

Mr. WENDEROTH. That I do not know. I could not answer that. Mr. Chairman; I take it from the postmaster's letter that they are. He says the post office at the St. Louis National Stockyards is just across the street. The total additional space desired is 7,564 square feet, but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now occupied, namely, 15,000 square feet.

The CHAIRMAN. In what time?

Mr. WENDEROTH. In 10 years the space required would be nearly double the space now occupied. We have arranged, or suggested, that the building be extended 4,000 square feet, which will relieve the congestion in the post office on the first floor and will furnish the necessary additional space on the second and third floors.

I will not read all the hearings. It seems that the Supervising Architect in his testimony before the Committee on Public Buildings and Grounds says that that building is entirely too small to do the public business.

Now, Mr. Trotter, of the Post Office Department, also testified before the committee, and he said, in answer to a question put by Mr. BARNHART, as follows:

Mr. BARNHART. Did those plans contemplate any contingency for growth in that office?

Mr. TROTTER. I presume they did. They usually plan for a 10 years' growth, but the growth of that office has been abnormal in 10 years. The receipts of that office have increased from \$51,261 to \$122,621, and in the same period the number of employees, including clerks and carriers, has increased from 36 to 64.

It seems to me that this is conclusive evidence that this appropriation should be made at this time. I know it is the policy of the chairman of the Committee on Appropriations to hold down the appropriation. I stand for economy, but here is a case where it is an urgent necessity to build this addition. The city of East St. Louis is one of the largest railroad centers in this country. It is a great city; it has the largest horse and mule market in the world. It is also a manufacturing city, and within its district is located the St. Louis National Stock Yards. There is nothing to stop its growth, and I hope the chairman of the committee will accept this amendment.

Mr. FITZGERALD. Mr. Chairman, I understand that this item is authorized by law. The committee recommended every appropriation where it would be possible for the Treasury Department to use the money between now and the 4th of next March when the next bill will become a law. Before any money can be used for these buildings it is necessary to prepare the plans. As soon as the plans for the addition are prepared, and the Treasury Department says it is ready for



the money, the money will be appropriated. If the money was appropriated now, it would not help the gentleman.

Mr. BALTZ. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BALTZ. How long would it take the Architect's Office to complete these plans?

Mr. FITZGERALD. I do not know. I did not inquire particularly about this building, but we inquired very carefully into the matter, and in every instance where they stated they would require money and stated the sum that would be required, the committee included that amount in the bill. I understand the number of the gentleman's project is 221, and they must be near it, I would imagine, because I notice in the bill that Duquoin just above it alphabetically is included in the bill, although the site for Duquoin was authorized in 1908 and the building in 1910. There is no question about the need for additional facilities in East St. Louis, and just as soon as the Treasury Department is ready for the money the committee will do its share in furnishing it.

Mr. BALTZ. Mr. Chairman, I am a new Member of the House. I do not know what the purpose of this House is in making authorizations four and five years before plans can be drawn up by the Architect's Office.

Mr. FITZGERALD. That has been the subject of controversy here for a long time. The gentleman has an addition which he desires which they seem to differentiate from a new project. If I were in the gentleman's place, I would insist that the Treasury Department treat the matter as an emergency case; that it ought to be taken up out of its order and plans prepared at once. Then the money would be appropriated.

Mr. BALTZ. Mr. Chairman, I want to say to the gentleman that I saw the Supervising Architect, and he told me that those plans could not be reached for the next three years. It seems very strange to me that these authorizations are made so long in advance of the time when the plans can be prepared. It seems to me that some of those authorizations are made for political purposes.

Mr. FITZGERALD. I would not say that; but Members this next year will get authorizations, and before those buildings can be constructed a new crop of Congressmen comes in, and they can not wait until those other buildings are out of the way, but have to look after the needs of their districts, and they get authorizations, and they keep getting authorizations and authorizations until we get alarmed; but as the plans could not be prepared and the money could not be utilized, I hope the amendment will not be agreed to. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

Fargo, N. Dak., post office and courthouse: For site, \$23,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 8, after line 2, insert the following:  
"Farmville, Va., post office: For site, \$5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Holland, Mich., post office: For continuation, \$24,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 7, insert:  
"Hobart, Okla., post office: For site, \$10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 9, insert:  
"Honey Grove, Tex., post office: For site, \$300."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Morristown, Tenn., post office: For completion, \$20,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 12, after line 24, insert:  
"Moultrie, Ga., post office: For site, \$7,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Moundsville, W. Va., post office: For continuation, \$56,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 2, insert the following:  
"Mount Carmel, Ill., post office: For site, \$20,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

New Haven, Conn., post office and courthouse: For continuation, \$150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 18, insert the following:  
"New Orleans, La., customhouse: Toward remodeling, repair, or improvement of the old customhouse and post-office building, including new roof, at a total cost not exceeding \$350,000, to provide quarters for customs officials and other Government officers, \$100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Perry, Iowa, post office: For completion, \$23,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, after line 21, insert the following: "Phoenixville, Pa., post office: For site, \$15,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

West Point, Va., post office: For site, \$5,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, after line 9, insert "West Plains, Mo., post office: For site, \$5,000."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 102 for the purpose of offering an amendment which was overlooked in the heat of battle.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 102 for the purpose of offering an amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the amendment? Let us have the amendment read for information.

Mr. FITZGERALD. I will say to the gentleman from Illinois that the gentleman from Illinois [Mr. Foster] and Dr. Holmes, of the Bureau of Mines are vitally interested in it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 102, after line 8, insert the following: "Not exceeding 20 per cent of the foregoing sum and not exceeding 20 per cent of the sum for investigation as to causes of mine explosions may be used during the fiscal year 1915 for personal services in the District of Columbia, and for the fiscal year 1916, and annually thereafter estimates shall be submitted specifically for all personal services required permanently and entirely in the Bureau of Mines at Washington, D. C., and previously paid from lump sum or general appropriations."

The CHAIRMAN. Is there objection to returning to page 102 for the purpose of offering the amendment read?

Mr. MANN. I would like to know from some gentleman interested in this. I see my colleague here, the chairman of the Committee on Mines and Mining. Can he tell us why he wants this?

Mr. FOSTER. Yes; certainly, I will do so.

Mr. FITZGERALD. I do not think this is what he wants, but this is what he has taken.

Mr. FOSTER. This is for the purpose of permitting that part of the Bureau of Mines which does experimental work in the District of Columbia—that is, laboratory work to be done here—and under some decision of the Comptroller of the Treasury it has been decided these men had to go out of the city of Washington—

Mr. MANN. That is, that out of the lump-sum appropriation you could not pay for personal services in the District of Columbia unless specified otherwise.

Mr. FOSTER. That is it.

Mr. MANN. Will they need these men in the District?

Mr. FOSTER. They can not get along without them.

Mr. MANN. I remember when we passed an appropriation for the enforcement of the white-slave act in the first place we were in that position here, and they moved their offices over to Baltimore. Could not they do the same thing with the Bureau of Mines?

Mr. FOSTER. They could move over to Pittsburgh.

Mr. FITZGERALD. But that would not be as convenient to the doctor.

Mr. FOSTER. And would not be as economical as having it here, convenient to the other branches of the Government.

Mr. MANN. Considering that if these personal services are had in the District, it will be more convenient for our colleague, Dr. FOSTER, to come in contact with these gentlemen, I will raise no opposition.

Mr. FITZGERALD. There is another reason we expect as a result of this amendment, that hereafter the gentleman from Illinois will conduct himself along those well-known and highly appreciated lines—

Mr. MANN. As he has heretofore. I recognize the gentleman from Illinois, my colleague, Dr. FOSTER, as one of the ablest, most efficient, useful, and valuable Members of the House. I am perfectly willing to give \$150,000, if necessary, out of my own pocket. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to; and Mr. UNDERWOOD, having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and the amendments thereto to final passage.

The previous question was ordered.

Mr. FITZGERALD. Mr. Speaker, I ask for a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS], adding \$100,000 to the appropriation for the Geological Survey.

The SPEAKER pro tempore. The gentleman from New York asks a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Is a separate vote demanded on other amendments? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

#### ADJOURNMENT OVER JULY 4.

Mr. MANN. Mr. Speaker, I ask unanimous consent that when the House adjourns on July 3 next, that it adjourn to meet on the following Monday, July 6.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

#### ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p. m.) the House adjourned until Thursday, June 25, 1914, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, reported the same without amendment, accompanied by a report (No. 898), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 10475) for the relief of Eugene A. Freund and Alfred F. Roemmich, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 5058) for the relief of Gattlieb Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

Mr. O'HAIR, from the Committee on Military Affairs, to which was referred the bill (S. 3761) for the relief of Matthew Logan, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 17468) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: A bill (H. R. 17469) to appropriate a sum of money for the restoration of the first American monument to George Washington; to the Committee on the Library.

By Mr. DEITRICK: A bill (H. R. 17470) to extend the regulation governing second-class mail matter to include State bulletins relating to candidates for public office; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 554) referring the bill (H. R. 16618) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Committee on Indian Affairs.

By Mr. FRANCIS: Resolution (H. Res. 555) authorizing the Committee on Revision of the Laws of the House of Representatives to employ a competent person to assist the committee in codifying, revising, and compiling the Statutes of the United States, and providing compensation therefor; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17471) granting a pension to Maude Nevers Landis; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17472) granting an increase of pension to Nora M. Costine; to the Committee on Pensions.

Also, a bill (H. R. 17473) granting a pension to Kate Carroll; to the Committee on Invalid Pensions.



By Mr. KEY of Ohio: A bill (H. R. 17474) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17475) for the relief of Arthur Eckerson; to the Committee on Claims.

By Mr. LONERGAN: A bill (H. R. 17476) for the relief of John G. Barnard; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 17477) granting an increase of pension to James N. Routh; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17478) granting an increase of pension to Annie M. Fallihee; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17479) for the relief of John Martin; to the Committee on Military Affairs.

By Mr. J. I. NOLAN: A bill (H. R. 17480) for the relief of Bernhard Bolen; to the Committee on Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 17481) for the relief of the St. Louis & Cairo Railroad Co.; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Seattle Chamber of Commerce, concerning certain provisions in the Clayton antitrust bill relating to labor unions and agricultural combinations; to the Committee on the Judiciary.

Also (by request), resolutions of the board of directors of the Merchants' Association of New York, protesting against the enactment of certain legislation which would result in creating class distinction, etc.; to the Committee on the Judiciary.

Also (by request), petition of the Philadelphia Board of Trade, against the adoption of certain provisions in the sundry civil appropriation bill, etc., having to do with exceptions made in favor of any class or classes; to the Committee on Appropriations.

Also (by request), petition signed by H. L. Ayres and others, of McDonald, Pa., urging the passage of the Gillette anti-polygamy amendment; to the Committee on the Judiciary.

Also (by request), resolutions signed by pastors of certain churches in Pittsburgh, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Seattle Commercial Club, urging the necessity of passing water-power legislation at this session; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Memorial of the California Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Blacksmiths of Riverside, Cal., favoring the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of Joseph Hambleton and 60 others, of Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of sundry citizens of Jacksonville and of the State of Florida, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOHUE: Petition of 50 citizens of Philadelphia, protesting against the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. DOUGHTON: Petitions of 350 citizens of Spencer and 86 citizens of Mooresville, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of Manila Merchants' Association, on trade relations between Philippine Islands and the United States and relative to reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade and the Merchants' Association of New York, protesting against clause in the sundry civil appropriation bill (H. R. 17041) relative to prosecution of labor, etc., organizations under Sherman antitrust law; to the Committee on Appropriations.

By Mr. KELLY of Pennsylvania: Petitions of Second United Presbyterian Church of Wilkesburg; Homewood United Presbyterian Church and Verona United Presbyterian Church; Calvary Presbyterian Church, of Wilkesburg; and First United Presbyterian Church of McKeesport, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of W. H. Grothe and others, of Burlington, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Thirty-five protests against the passage of the prohibition measures now pending in Congress from residents of Oakland, Berkeley, Alameda, Hayward, Richmond, San Francisco, Los Angeles, and Colma, all in the State of California; to the Committee on Rules.

Also, 20 postals from residents of Los Angeles, Long Beach, Bishop, Vallejo, Corona, Hollister, Wallace, and Pacific Grove, all in the State of California, favoring early submission of the prohibition constitutional amendment; to the Committee on Rules.

By Mr. LANGHAM: Petition of Woman's Christian Temperance Union of Miola, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Memorial of Philadelphia Board of Trade, relative to exemption of labor organizations from prosecution under Sherman antitrust law; to the Committee on Appropriations.

Also, memorial of Manila Merchants' Association, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. LIEB: Petitions of Ernest Senfer, sr., Charles Mitchell, Edwin Powell, Henry J. Dillman, John Burch, Robert Lake, A. Wilzbach, G. C. Powell, Anton Riedy, W. L. Becker, William Moore, Joseph A. Mandel, John Buchanan, William Wirtz, George Smith, John Bitsch, W. H. Moore, Pete Bauer, Harry Martin, Henry Magre, Frank J. Dillman, Joseph Strehl, William H. Stock, Arthur H. Yaser, Theodore Wiggers, Chester Bickel, John Rider, Johnie Linzy, Ferd Sauer, Fred Schmitt, Fred Hammerstein, William Thomas Judd, Benjamin C. Sachs, George Buchanan, William Wemkener, William R. Lake, W. A. Golden, William M. Smith, Joseph A. Beach, S. T. Barr, Frank K. Rehmann, Clarence Fehrenbach, Paul Pensohn, E. M. Mack, C. R. Green, Benjamin F. Schreiber, Walter Foster, James Smith, G. J. Lindenschmidt, John W. Holmes, Edward F. Boesche, Clifton Wilshire, William Wheatley, P. J. Kelly, J. J. Kyle, William Sorell, Joseph Blsk, James H. Whitlow, George J. Hirsch, Edward Schmitt, John H. Frunck, Leonard Bickel, Jerome Schaefer, Jim Corbitt, Julius A. Schmidt, Floyd B. Meadows, Fred Klusmeier, Buford Watson, Jacob Winder, George Leach, Clinton Powell, James Littrell, Jake Matz, Raymond Bell, Perry Lampton, Peter Schmitz, Elmer Dannenberg, Clinton Powell, Nathaniel Moxley, Ed Greek, George J. Mutschler, John Baer, Richard Pava, Charles Reutter, John Zuber, J. W. Schmitt, Tom Metcalf, Adolph Wingert, Fred Ringwald, Fred King, Harrie Goedde, Charles Maes, Theodore Verges, Louis Rahm, Warner R. Failing, Edward Egl, J. K. Taylor, Henry C. Miller, Herman Gruen, P. F. Duber, Lyle Metcalf, Jefferson Tevaul, Howard Berson, and Otto Hohl, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of 40 citizens of Keeseville and citizens of Clinton County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of William McMahan and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Petitions of sundry citizens and Brewery Engineers' Unions, No. 289 and No. 5, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of Philadelphia Board of Trade, protesting against House bill 16586, to amend section 20 of act to regulate commerce, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: Petitions of citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. OGLESBY: Petitions of John H. Cordu, Peter Collins, and about 1,200 other citizens of the twenty-fourth district of New York, favoring the passage of House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. O'LEARY: Petition of citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PADGETT: Petitions of business men of the seventh congressional district of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of T. Walker Davis, of Franklin, Tenn., against national prohibition; to the Committee on Rules.

Also, petitions of citizens of White Bluff and Columbia, Tenn., and Maury and Williamson Counties, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petition of citizens of New York, favoring House bill 5139, the Hamill civil service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. PETERSON: Petitions of citizens of La Fayette and other towns in Indiana, protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Petitions of citizens of the twentieth congressional district and of Menard County, Ill., protesting against national prohibition; to the Committee on Rules.

Also, petition of 87 citizens of the twentieth congressional district of Illinois, favoring the pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Christian Endeavor Union of Pike County and citizens of the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 103 citizens of Hillsdale, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Petition of the Minnesota District of German Evangelical Synod of North America, against national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petitions of citizens of Utica and the Ministerial Association of Rome, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions of New Bedford (Mass.) Ministerial Union; Quarterly Conference of Allen Street Methodist Episcopal Church of New Bedford, Mass.; Methodist Episcopal Church of Provincetown, Mass.; Women's Home Missionary Society of New Bedford, Mass.; and Christian churches of New England, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of New Bedford, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. WICKERSHAM: Petition of 18 citizens of Skagway and 51 of Juneau, Alaska, favoring national prohibition; to the Committee on Rules.

## SENATE.

THURSDAY, June 25, 1914.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name in recognition of Thy supreme right to rule in all our lives. The action of this day, with its thoughts, plans, and purposes, will be the expression of our sense of gratitude to Thee and of our dependence upon Thee. Grant us Thy grace that we may walk uprightly, holding sacred the trust that has been committed to us, and abase all living to honor the name of the great God, from whom every good and perfect gift cometh. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

### PETITIONS AND MEMORIALS.

Mr. THOMAS. I present a petition from the Good Citizenship League of Canon City, Colo., and a resolution by the members and friends of the First Methodist Church of Canon City, Colo., which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CANON CITY, COLO., June 20, 1914.

To the Members of the United States Senate:

By a unanimous vote the Good Citizenship League of Canon City, Colo., an organization composed of 100 men whose object is to aid in the enforcement of law, the suppression of vice, the encouragement of Sabbath observance, and the maintaining of generally accepted moral and religious standards, respectfully petition your honorable body to vote for the adoption of the joint resolution known as the Hobson-Sheppard proposed constitutional amendment to prohibit the manufacture, sale, or importation of intoxicating liquors.

J. R. KENNEDY,  
Chairman of the Committee.

Attest:

WILLIAM E. SPENCER,  
Acting Secretary.

This is to certify that at the conclusion of the morning service at the Methodist Episcopal Church on Sunday, June 21, 1914, the congregation resolved itself into a mass meeting by the election of Mr. J. P. McMullen as chairman and Mr. William E. Spencer as secretary, whereupon

the Rev. Louis J. Hole, D. D., introduced the following resolution, which was unanimously adopted by a rising vote:

### Memorial to the Congress.

"Resolved, That we, the members and friends of the First Methodist Church of Canon City, Colo., assembled in our usual place of worship on Sunday, June 21, A. D. 1914, do solemnly and respectfully petition the Congress of the United States, now in session in Washington, D. C., to adopt the measure now before it known as the Hobson-Sheppard joint resolution, proposing an amendment to the Constitution of the United States to prohibit the manufacture, sale, and importation of intoxicating liquors.

"And we especially and particularly request that our Colorado representatives in Congress, Senator CHARLES S. THOMAS, Senator JOHN F. SHAFROTH, and Representatives EDWARD T. TAYLOR, H. H. SELDOMBRIDGE, EDWARD KEATINGE, and GEORGE J. KINDEL, vote and use their influence for the adoption of the said measure."

The above resolution represents the sentiment of the 839 members of the church. The secretary was directed to forward a copy of the resolutions to each member of the Colorado congressional delegation.

J. P. McMULLEN, Chairman.

Attest:

WILLIAM E. SPENCER, Secretary.

CANON CITY, COLO., June 21, 1914.

Mr. CUMMINS presented a petition from the Ottumwa District Epworth League Agency of Iowa, representing a membership of 1,000, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Marquette Court, No. 811, of Dubuque, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Common Council of Everett, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dayton, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Saco and Freeport, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Philadelphia Board of Trade of Pennsylvania, remonstrating against the provisions contained in the sundry civil appropriation bill, the so-called Clayton omnibus trust bill, or any other measure in which exceptions are made in favor of any class or classes, which was referred to the Committee on Appropriations.

### REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 3895) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges, reported it with amendments and submitted a report (No. 618) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5079) for the relief of Mary Abel (Rept. No. 619); and

A bill (H. R. 2540) for the relief of the estate of Philip Felix Herwig, deceased (Rept. No. 620).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 26192) to authorize the issuance of patent to Rachel E. Dangerfield Roast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west, of the sixth principal meridian, reported it without amendment and submitted a report (No. 622) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, reported it with an amendment and submitted a report (No. 621) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 6280) for the relief of Hyacinthe Villeneuve, reported it without amendment and submitted a report (No. 623) thereon.

### LANDS AT MYTON, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 5324) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, and I submit a report (No. 615) thereon. I ask unanimous consent for its immediate consideration. I will simply say that the bill proposes to au-